

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1925 of 2019

Tularam S/o Shri Puran Dhritlahre Aged About 40 Years R/o Village Podi, Police Station - Bilha, District - Bilaspur Chhattisgrh.

--- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police Station - Masturi, District - Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Rishi Rahul Soni, Advocate.
For the Respondent	:	Mr. Sumit Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.04.2019

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 377 of 2016 registered at Police Station Masturi, Distt. Bilaspur (C.G) for the offences punishable under Sections 377 & 342/34 of IPC and section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The first bail application was dismissed as withdrawn on 10.01.2017 with liberty to repeat the same after examination of the complainant.
3. As per the prosecution case, a report was made by few of the victims on 01.10.2016 stating that in between 03.07.2016 and 03.08.2016, the applicant called one of the Tantrik to perform witchcraft in his house and few of the boys were called at separate point of time and were subjected to unnatural sex and the boys were threatened that if they do not cooperate, their parents would die,

thereby the offence has been committed. Subsequently, on report being made, the investigation was carried out.

4. Learned counsel for the applicant submits that two other accused Laxmikant and Vicky @ Vikaskant have been enlarged on bail by this Court and by the Coordinate Bench in M.Cr.C.No.6054/2018 and M.Cr.C.No.8065 of 2017 and the present applicant is in jail since 01.10.2016. He further submits that the earlier bail application of this applicant was dismissed as withdrawn with liberty to repeat the same after examination of the complainant and the complainant has not yet been examined, therefore, looking to custody period of the applicant he may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application. .
6. A perusal of the statement of the victim shows that the case of this applicant is different from that of other accused who have been enlarged on bail as the main allegations have been attributed to this applicant. Considering the same, I am not inclined to allow this bail application. Accordingly, it is dismissed.
7. However, the trial Court is requested to expedite the trial.

**Sd/-
GOUTAM BHADURI
JUDGE**