

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2559 of 2019**

Faiz Ali Khan @ Sonu, son of Mohd. Javed, aged about 19 years, R/o Tarabahra, Police Station Kelhari, District Koriya (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kelhari, District Koriya (CG). **---- Non-applicant**

For Applicant	: Mr. Anil S. Pandey, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.04.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.82/2018 registered at Police Station Kelhari, District Koriya for the offence punishable under Sections 450 & 376 of IPC.
3. The first bail application of the applicant was rejected by this Court vide order dated 20.02.2019 passed in M.Cr.C. No.951/2019 considering *prima facie* case against him.
4. Case of the prosecution, in brief, is that on 06.11.2018, the prosecutrix was more than 18 years of age. She is a resident of village Tarabahra. On 06.11.2018 at about 12:30 p.m., the applicant entered in her house and caught hold her and pressed her mouth and committed forcibly sexual intercourse with her.
5. Counsel for the applicant submitted that the prosecutrix and her mother have been examined by the trial Court. There are so many omission and contradiction have been dealt during her cross-examination and the applicant in jail for 08 months back. There is no possibility that applicant may influence the prosecution witnesses hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
7. This is well settled legal position that while dealing with the bail application, this Court is neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
8. Looking to above mentioned facts and circumstances of the case, looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the case as soon as possible from the date of receipt of certified copy of this order.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE