

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2788 of 2019**

Rajendra Prasad Gupta S/o Late H.S. Saha Aged About 70
Years R/o Bajrang Nagar, Kunkuri, District Jashpur,
Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Station House Officer,
Police Station Kunkuri, District Jashpur Chhattisgarh.,
District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Prasad, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**02/08/2019**

1. This is third bail application under Section 439 of CrPC. Earlier first bail application was rejected by this Court on 17/01/2019 in MCRC No. 9869/2018 considering the *prima facie* case. Second bail application was rejected by this Court on 25/02/2019 in MCRC No. 1008/2019.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.218/2018 registered at Police Station Kunkuri, District Jashpur (C.G.) for the offence punishable under Section 354 & 354(a) of IPC and under Section 3(1)(a)(ii) & 3(2)(v)(a) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that prosecutrix is about 28 years old. She is resident of Bemtatoli Kunkuri. A knot was developed in breast of the prosecutrix. She was getting treatment from applicant. On 22/11/2018 about 6.30 p.m. during

the massage of the breast he touched her private parts, kissed her and impliedly told that if she will permit to do the sex then he will cured her knot problem.

4. Counsel for the applicant submits that applicant is in jail since 8½ months, he is 70 years of age, thus he may be released on bail. He further submitted that applicant needs medical treatment.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. There is no change in the circumstances of the case on strength of which the applicant be released on bail. Consequently third bail application is rejected. However, trial Court is directed to expedite the trial as soon as possible. Trial Court is also directed to submit date-wise progress report after two months from the date of receipt of copy of this order.

Sd/-
(Sharad Kumar Gupta)
Judge