

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3546 of 2019**

- Mangalchand Sahu S/o Khusaru Sahu Aged About 50 Years R/o Village Pat, Police Station Kosir, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kosir, Civil And Revenue District Raigarh Chhattisgarh

----Non Applicant

For the Applicant : Mr. Uday Pratap Singh, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.07.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 11.03.2019 in MCRC No.1476 of 2019 considering the prima facie case.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.115/2017 registered at Police Station- Kosir, Civil and Revenue District- Raigarh(C.G.) for the offence punishable under Sections 376, 506-B of the Indian Penal Code.
4. Case of the prosecution, in brief, is that on 13.10.2017 the prosecutrix was aged about 40 years old. She is a resident of village Pat. On 13.10.2017 at about 10:00 p.m., the applicant took her to Bardula spur by pressing her mouth and gave threats and committed sexual intercourse with her.

5. Learned counsel for the applicant submits that prosecutrix and other witnesses have been examined by trial Court and turned hostile, thus, applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. He submitted that six other criminal cases have already been registered against the applicant in police case diary.
7. As per the certified copy of statement of prosecutrix recorded by trial Court which is the part of the bail application, she had stated against the applicant in Para-3 during examination in chief.
8. This is well settled legal position that while considering the bail application Court cannot scrutinize or appreciate the evidence. At this stage, Court cannot touch the merits or demerits of the case.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no change in the circumstance of the case on the strength of which the applicant may be released on bail in second round of litigation, thus second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul