

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4520 of 2019**

- Lokesh Alias Lovkesh Markam S/o Gokul Prasad Markam Aged About 23 Years R/o Village - Saraipali, Police Station Pali, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pali District Korba Chhattisgarh

-----Non Applicant

For the Applicant : Mr. F.S. Khare, Advocate

For Non Applicant : Mr. H. S. Ahluwalia, Deputy A.G.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.08.2019**

1. This is third 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 by order dated 30.01.2019 passed in MCRC No.200 of 2019 considering prima facie case against him, his second bail application was dismissed as withdrawn by this Court by order dated 14.03.2019 passed in MCRC No.1732 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.263/2018 registered at Police Station-

P.S. Pali, District- Korba (C.G.) for the offence punishable under Sections 450, 376 of the Indian Penal Code.

4. Case of the prosecution in brief is that prosecutrix is about 18 years old. She is resident of village Saraipali. On 02.10.2018 at about 11:00 a.m. when she was alone in her house, applicant entered in her house, pressed her mouth and committed forcible sexual intercourse with her.
5. Counsel for the applicant submitted that at the time of alleged incident applicant had gone Bilaspur for the delivery of his wife. He further drew my attention on Para 5 of the true copy of the statement of P.W.3 Girja Bai.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicant.
7. As per the photocopy of statement of prosecutrix which is the part of the bail application she had stated in examination in chief against the applicant.
8. At this stage, while considering the bail application, defence cannot be considered.
9. Looking to the above mentioned facts and circumstances of the case, there is no change of circumstance which may entitle the applicant to be released on bail in third round of litigation. Consequently, the third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

pm