

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6091 of 2019**

Tejkumar Nishad @ Raju, S/o Chandranandi, aged about 22 years, R/o Chandrapur Bhaliya Para, P.S. Chandrapur, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Chakradhar Nagar, Raigarh, District Raigarh (CG).

---- Non-applicant

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Non-applicant	: Mr. Vaibhav Kartikaya Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.09.2019**

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.20/2019 registered in Police Station Chakradhar Nagar, Raigarh, District Raigarh for the offence punishable under Sections 17 & 21 of POCSO Act.
3. The second bail application of the applicant was rejected on merits by this Court vide order dated 13.05.2019 passed in M.Cr.C. No.2416/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that on 18.01.2019 the prosecutrix was below 16 years of age. She is a resident of Krishna Vatika Boerdadar, Raigarh. On 18.01.2019 co-accused Vicky @ Vivek & Rajiv Kumar Yadav @ Raju took her by car. Co-accused Kailash Kumar Bareth had told to applicant to leave her in the house of Akbar on saying of co-accused Satya Narayan Dewangan @ Satya. Co-accused Akbar committed forcible sexual intercourse with her.

5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case. He further submitted that charges framed against the applicant under Sections 17 & 21 of POCSO Act. Prosecutrix has been examined before the trial Court. In support of case, he drew my attention on para No.37 of true copy of statement of prosecutrix, which is a part of bail application.

6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.

7. This is well settled legal principle that while dealing with the bail application, the Court can neither scrutinize the evidence nor appreciate the evidence.

8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, this Court is not inclined to release the applicant on bail in the second round of litigation. Consequently, his 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