

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6282 of 2019**

- Banti @ Sagar Rajak S/o Santosh Rajak, Aged About 20 Years R/o Kududand, Near Gayatri Mandir, Bilaspur , Police Station Civil Line, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Civil Line, District - Bilaspur Chhattisgarh

---- Non Applicant

For the Applicant : Mr. C.P. Lahrey, Advocate

For Non Applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.11.2019**

1. Allegedly Informant- Rajesh Gidwani is present in person before this Court. After putting some questions, this Court has satisfied that person, who is present in the Court, is informant Rajesh Gidwani.
2. 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.
3. Earlier, the first bail application of the applicant was rejected by this Court by order dated 02.05.2019 passed in MCRC No.403 of 2019 considering prima facie case against him.
4. Perused the case diary provided by the learned counsel for the State in connection with Crime No.870/2018 registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376, 212 of Indian Penal Code and Section 4 POCSO Act.
5. Case of the prosecution, in brief is that on 06.10.2018 prosecutrix was below 14 years of age. She is resident of Sindhi Colony, Bilaspur. On 06.10.2018, applicant took her and committed sexual intercourse with her, though nothing was done forcibly with her.
6. Counsel for the applicant submitted that important witness P.W.-6 Rajesh Gidwani has been examined in trial Court, he drew my attention on Para

No.6 of photocopy of P.W.-6 Rajesh Gidwani, he further submits that applicant may be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
8. Counsel for the informant submits that he has objection in releasing the applicant on bail.
9. This is well settled legal position that while dealing with bail application, this Court can neither appreciate nor scrutinize the evidence. Court cannot touch the merits and demerits of the case.
10. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge