

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6552 of 2019**

Lakeshwar Sahu S/o Late Mansingh Aged About 33 Years R/o Tedinara,
Police Station Bagbahara District Mahasamund Chhattisgarh, District :
Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bagbahara District Mahasamund Chhattisgarh, District : Mahasamund,
Chhattisgarh .

---- Respondent

For the Applicant	:	Ms. Smita Jha, Advocate
For the State	:	Shri Suyash Dhar, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16/10/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was dismissed as withdrawn by this Court on 25/06/2019 in MCRC No. 2759/2019.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.312/2018 registered at Police Station Bagbahara, District Mahasamund (C.G.) for the offence punishable under Sections 354(c) 509(B), 327, 376(A)/376(2)(n) of IPC [but charge framed with removing 376(A)], 66(E) of Information & Technology Act.
3. Case of the prosecution, in brief is that prosecutrix is about 20 years old and resident of village Terhinara. On 14/01/2018 between 11 a.m. to 12 p.m. prosecutrix was bathing in her house. Applicant was preparing her naked video film from his mobile, thereafter he blackmailed her and repeatedly committed sexual intercourse with her. He demanded Rs.1 Lakh from her to delete her naked video film, due to depression she attempted to commit suicide. During investigation one mobile was seized from him. Allegedly he told that he deleted the obscene photographs of prosecutrix.
4. Counsel for the applicant submitted that applicant innocent and falsely implicated in the present case, thus applicant may be released on bail.

She further submitted that allegedly seized mobile was retrieved and no obscene photographs and video have found. She drew my attention on enquiry report Annexure A/6. She further drew my attention on paragraphs 17, 24, 25, 26, 32, 36, 37 and 47 of the certified copy of statement of PW-4 prosecutrix which is the part of the bail application.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. This is well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the evidence it is only the trial Court who can do so.
7. At this stage applicant does not get any help from Annexure A/6 regarding grant of bail.
8. Looking to the above mentioned facts and circumstances of the case, looking to the *prima facie* evidence available on record against the applicant, looking to the seriousness of alleged offence, looking to the impact of granting bail to the applicant on society, this Court finds that it is not a fit case where the applicant may be released on bail in second round of litigation.
9. Consequently, second bail application of the applicant is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge