

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7082 of 2019**

- Liladhar Patel S/o Dileshwar Patel Aged About 21 Years R/o Village Chainpur, Police Station Kartala, District Korba, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chhal, Civil And Revenue District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Ms. Madhunisha Singh, Advocate

For Respondent/State : Ms. Deepti Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/11/2019**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19.02.2018 in connection with Crime No.22/2018 registered at Police Station Chhal, District Raigarh (CG) for the offence punishable under Sections 376, 506 of IPC, Section 4 of the Protection of Children from Sexual Offences Act and Section 3 (1) (w) (ii) & 3 (2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The First Bail Application bearing M.Cr.C. No.4379 of 2018 was dismissed on 16.07.2018.
3. As per the prosecution case, on 01.01.2018 while the prosecutrix was returning along-with her friend from the picnic, the applicant met her, thereafter took her to the forest and committed forcible sexual intercourse with her and it was

recorded in video and the video was made viral. Thereafter the report was made and the applicant has been arrested.

4. Learned counsel for the applicant submits that though the earlier rejection was made on the ground that the video of the rape was made viral, however, the charge-sheet when was filed it does not contain any offence under the Information Technology Act. She would further submit that the prosecutrix was a consenting party and the report was made after 18 days of the incident, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have perused the case-diary. At this stage the fact that the prosecutrix was a consenting party cannot be appreciated and the prosecutrix has been examined, it is to be tested by the trial Court on its own merits. In view of this, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge