

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7185 of 2019**

- Fagni Bai @ Tara Bai Wed/o Santosh Kumar Lakda Aged About 50 Years R/o Hanspur, Police Station Karondha, District Balrampur, At Present Address I-1, Shukurpur, North West, Kumundpur, Delhi - 42

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Balrampur, District Balrampur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Rupesh Shrivastava & Mr. Chandradeep Prasad, Advocates
For Non Applicant	:	Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.11.2019**

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by this Court by order dated 25.03.2019 passed in MCRC No.698 of 2019, his second bail application was dismissed as withdrawn by this Court by order dated 25.07.2019 passed in MCRC No.4391 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.222/2018 registered at Police Station- Balrampur, District- Balrampur (C.G.) for the offence punishable under Sections 363, 366, 368, 370(A), 374, 343, 506 of IPC, Section 81 of POCSO Act and Section 26 J.J. Act.
4. Case of the prosecution in brief is that complainant Ram Singh Shandilya is aged about 17 years. He is resident of village Basera. On 30.10.2018 co-accused Veer Bahadur Singh took him by enticing that he will provide him job. The said co-accused handed over the said complainant to another co-accused Vijay Bharti who took him to Delhi assuring him that he will provide job at Delhi. Thereafter co-accused Vijay Bharti sold him to applicant who

got domestic work from him, she had kept him as hostage in her house and she had given threatening to kill him.

5. Counsel for the applicant submitted that 9 witnesses have been examined who did not support the prosecution case. He drew my attention on Para No. 17 of certified copy of statement of P.W.-2 Ram Singh, Para No.7 and 11 of certified copy of the statement of P.W.-3 Babulal.
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 reported in police case diary.
7. In the case in hand, P.W.-2 Ram Singh had stated against the applicant in Para No.2 and 4 of his statement during examination in chief.
8. This is well settled legal position that while dealing with the bail application Court can neither scrutinize the evidence nor appreciate the same. This is also well settled legal position that the only competent Court is the trial Court who can do so. This is also well settled legal position that Court cannot touch the merit and demerit of the case.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no material change in circumstances 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