

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7247 of 2019**

- Manish Verma S/o Late Shri Mahesh Verma Aged About 22 Years R/o Borsi, Police Station Berla, District Bemetara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate, District Durg, Chhattisgarh

----Non Applicant

For the Applicant : Mr. C.R. Sahu, Advocate

For Non Applicant : Mr. Praveen Shrivastava, Panel Lawyer

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

1. 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.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 29.04.2019 passed in MCRC No.2615 of 2019.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.478/2018 registered at Police Station-Dharsiva, Distt- Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. and U/S 4, 6 of POCSO Act.
4. Case of the prosecution, in brief is that on 05.11.2018 the prosecutrix was more than 17 years of age. She is resident of village Teeraiya. On 05.11.2018 in the night, the applicant took her by pressing her mouth and performed the marriage with her. He committed repeatedly sexual intercourse with her.
5. Counsel for the applicant submitted that complainant had gone along

with the applicant voluntarily. He drew my attention on Para No. 13 and 14 of the certified copy of statement of P.W.-7 prosecutrix.

6. On the other hand, learned counsel for the State opposed the bail application, however, he submits that previously no criminal antecedent is reported against the applicant in police case diary.
7. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant was already married even he repeatedly committed sexual intercourse with prosecutrix, this Court finds that it is not fit case where the applicant may be released on bail in second round of litigation. Consequently, the second bail application is rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)

Judge

parul