

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9857 of 2018**

- Samaru Yadav S/o Jethuram Yadav Aged About 23 Years R/o Village Devri, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar-Bhatapara Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Acting Through Officer-In-Charge, Police Station Bhatapara (Gramin), Civil And Revenue District Baloda Bazar-Bhatapara Chhattisgarh,

---- Respondent

For Applicant	:	Shri Devesh G. Kela, Advocate
For Respondent/State	:	Shri Aditya Sharma, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/01/2019**

1. This is the Third 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 15.11.2017 in connection with Crime No.379/2017 registered at Police Station Bhatapara (Gramin), District Balodabazar - Bhatapara (CG) for the offence punishable under Sections 376 (D), 506/34 IPC and Sections 4 & 6 of the POCSO Act, 2012.
2. The First Bail Application bearing M.Cr.C. No.1896 of 2018 was dismissed on 21.05.2018 and the second bail application bearing M.Cr.C. No.4675 of 2018 was dismissed on 26.10.2018.

3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has not named the applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that after declaring hostile the prosecutrix has named the present applicant.
5. Considering the facts of this case, I do not want to enter into the merits of the case while hearing the bail application as it would amount to usurp the power of trial Court. It is for the trial Court to appreciate all the facts. In view of this I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu