

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3270 of 2020**

- Arjun Parihar S/o Shri Shankarlal Parihar Aged About 28 Years R/o Indra Nagar, Ward No. 05, Dongargarh, P. S. And Tahsil Dongargarh, District Rajnandgaon Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Rajnandgaon District Rajnandgaon Chhattisgarh,

---- Non Applicant

For the Applicant	:	Mr. Shashi Bhusan Tiwari, Advocate
For Non Applicant	:	Mr. D.C. Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25.06.2020**

1. Heard.
2. Admit.
3. 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.
4. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 08.01.2019 passed in MCRC No.9358 of 2018 considering prima facie case against him, his second bail application was also rejected by this Court vide order dated 22.11.2019 passed in MCRC No.7366 of 2019 considering prima facie case against him.
5. Perused the case diary provided by the learned counsel for the State in connection with crime No. 131/2018 registered at Police Station – Churiya, District Durg (C.G.) for the offence punishable under Section 376(2) (n) of the Indian Penal Code.
6. Case of the prosecution, in brief is that prosecutrix is the resident of Indiranagar, Dongargarh. She is aged about 19 years old. Applicant committed repeated sexual intercourse with her on pretext of marriage. Later on she came to know that the applicant is already married and is

father of two children.

7. Counsel for the applicant submitted that prosecutrix was the consenting party. Out of 20 only 9 prosecution witnesses have been examined. Thus, applicant may be released on bail.
8. On the other hand, learned counsel for the State opposed the bail application, however, submitted that there is no criminal antecedent against the applicant is reported in the police case diary.
9. This is true that delay in trial and detention period of the accused are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
10. This is also well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the same, it is only the trial Court who can do so at the time of appreciation of the evidence.
11. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no such material change in circumstances which may entitle the applicant to be released on bail in third round of litigation. Consequently, his third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

parul