

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7673 of 2019

Wasim Bhati S/o Shri Najaruddin Bhati Aged About 31 Years R/o Village Tumgaon, Thana Tumgaon, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Non-applicant

For the Applicant	: Mr. Deepak Jain, Advocate.
For Non-applicant/State	: Mr. Sudhir Sahu, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicant before this Court for grant of regular bail. The earlier bail application MCRC No.3752 of 2019 was dismissed as withdrawn on 5.7.2019 with liberty to revive the same after examination of the prosecutrix before the trial Court. The applicant has been arrested on 1.5.2019 in connection with Crime No.86/2019, registered at Police Station - Tumgaon, District- Mahasamund, Chhattisgarh for offence punishable under Sections 363, 376(D)/ 34 and 506 of the Indian Penal Code.
2. It is submitted by learned counsel for the applicant that the prosecutrix has been examined before the trial Court and according to the statement given by her it can be clearly said that she is not the reliable witness. Hence, it is prayed that the applicant be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the bail application.
4. Heard learned counsel for the parties and perused the case diary.

5. The prosecutrix (PW-8) who has been examined is not hostile witness and the discrepancies that have been pointed out by counsel for the applicant are subject matter of appreciation which is the jurisdiction of the trial Court. Therefore, no comment can be made on the evidence of the prosecutrix at this stage of considering the application for grant of bail. Hence, I do not feel inclined to grant regular bail to the applicant.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi