

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2904 of 2021

Suresh Kumar Sahu S/o Late Chandra Kumar Sahu, Aged About 21 Years R/o Village Mallin, Outpost Lavan, Thana Kasdol, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station House Officer Thana City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For applicant - Shri Deepak Kumar Jain, Advocate.
For Respondent/State –Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

07/06/2021

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 4/01/2021 vide M.Cr.C. No.6804/2020 with liberty to repeat the bail application after examination of the prosecutrix.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 512/2020 registered in Police Station City Kotwali, Baloda Bazar Distt. Baloda Bazar-Bhatapara (C.G.) for offence punishable under section 376 of IPC.
3. Case of the prosecution is that the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix, when she became pregnant and asked the applicant to marry her, he refused to marry with her.
4. Learned counsel for the applicant would submit that the prosecutrix has been examined which would show that she was a consenting party

and major. Learned counsel for the applicant went through the statement of the prosecutrix and would submit that under the circumstances, the applicant may be enlarged on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the fact that the prosecutrix has been examined in detail and she has been cross examined, I do not find any reason to give finding which may affect the trial. It is for the trial court to consider the case of the prosecution alongwith other evidence which may be available on record. Under the circumstances, I am not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE