

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3579 of 2021**

- Ali Ahmed Siddiqui @ Aneesh S/o Niyaj Ahmed Aged About 25 Years R/o Ward No. 17, Arjun Nagar, Camp-1, Bhilai District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Vaishali Nagar, Bhilai District Durg

---- Respondent

For Applicant : Shri Anurag Jha, Advocate

For Respondents/State : Shri Ashish Tiwari, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****08/07/2021**

Heard.

1. This is the Second 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 10.07.2020 in connection with Crime No. 169/2020 registered at Police Station Vaishali Nagar, Bhilai District Durg (CG) for the offence punishable under Sections 376 (2) (n), 509 and 506 (II) of I.P.C.
2. The First Bail Application bearing M.Cr.C. No.6818 of 2020 was dismissed on 06.01.2021.
3. As per the prosecution case, a report was lodged against the applicant that on

05.07.2020, the applicant took the prosecutrix to a house and thereafter on the threat of the nude photographs, which he had obtained by making her unconscious, would be made viral, committed sexual intercourse with her and subsequently assaulted her.

4. Learned counsel for the applicant submits that the prosecutrix in this case has been examined and she has not supported the case of the prosecution. He would further submit that now 7 witnesses are remained to be examined and there is no substantial progress in the trial because of the lockdown, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. After perusal of the statement of the prosecutrix, this Court is not inclined to go into the trial inasmuch as the I.O. is still required to be examined and the prosecutrix has admitted the fact of signature on the report. Therefore, this aspect is to be verified during evidence with other relevant factor which would be on record. While hearing the bail application this Court cannot go for usurping the power of trial Court to give a finding which may affect the trial either for the prosecution or the accused. Considering the same as also the fact that only 7 witnesses are left to be examined, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge