

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3614 of 2021

1. Chudamani Alias Chudaman Sahu S/o Tukaram Sahu Aged About 27 Years R/o Gram Bana, P.S. Kharora, District Raipur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Aarang, District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri N. Naha Roy, Advocate
For Respondent /State : Shri Sudeep Agrawal, Dy. Adv. General

(Proceedings through Video Conferencing)

Order On Board

By

Prashant Kumar Mishra, Ag. CJ.

11-06-2021

1. Heard.
2. The applicant has preferred this second bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.64/2019, registered at Police Station Aarang, District Raipur (CG), for the offence punishable under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.
3. By order dated 4-9-2020 passed in MCRC No.1762 of 2020 the first bail application was dismissed on merits. However, liberty was reserved in favour of the applicant to revive the

prayer for grant of bail after examination of the prosecutrix.

4. Learned counsel for the applicant would submit that the prosecutrix has got married to another person and is not residing in the village, therefore, she is not turning up for recording her statement.
5. In view of the nature of liberty reserved in favour of the applicant it is difficult to consider the prayer unless the prosecutrix is examined or some evidence is brought on record that she is not traceable.
6. Considering the aforesaid facts and circumstances, this Court is not inclined to grant bail to the applicant.
7. Accordingly, the second bail application is rejected. However, liberty is reserved in favour of the applicant to revive the prayer for grant of bail after examination of the prosecutrix and/or her parents.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri