

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4528 of 2021

- Devsharan Yadav, aged about 24 years, son of Dhansingh Yadav, resident of Dadargaon, Police Station- Chhura, District- Gariyaband (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station- Chhura, District- Gariyaband (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Krishna Kumar Dewangan, Advocate
For Respondent/State	:	Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.11.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 24.11.2020 in connection with Crime No. 162/2020 registered in Police Station – Chhura, District Gariyaband (CG) for the offence punishable under Sections 366 & 376 (2) (n) of IPC.
2. The first bail application of the applicant was dismissed on merits by this Court vide order dated 01.03.2021 passed in M.Cr.C. No. 125/2021.
3. Allegation against the present applicant is that on 09.11.2020 he forcefully abducted the prosecutrix by pickup-vehicle (*Chhota-Hathi*) and went to Orrisa, where he stopped the vehicle in jungle for having sexual intercourse with her and thereafter he committed forcible sexual intercourse with her repeatedly. F.I.R. was lodged by the father of the prosecutrix against the applicant.
4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that there was love affair between the applicant and the prosecutrix, and that she

was a consenting party, no offence has been committed by the applicant. He also submits that the applicant is in custody since 24.11.2020, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

5. On the other hand, learned counsel for the State opposes this second bail application.
6. Considering the entire facts and circumstances of the case, looking to the fact that the first bail application of the present applicant has been rejected on merits by this Court, further considering 164 & 161 Cr.P.C. statements of the prosecutrix, the applicant committed forcible sexual intercourse with her repeatedly, the gravity of offence, there is no change in circumstances, I am not inclined to grant bail to the present applicant.
7. Accordingly, this second bail application is dismissed.

Sd/-

(Gautam Chourdiya)
Judge