

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5976 of 2021

- Sanjay Kumar Paikara S/o. Virendra Paikara, aged about 26 years, R/o. Kurraha, Thana – Kasdol, Baloda Bazar, District – Baloda Bazar (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through- Police Station- Kasdol, District Baloda Bazar (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Samir Singh, Advocate
For Respondent/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.09.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 17.11.2020 in connection with Crime No. 06/2019 registered in Police Station – Kasdol, District Baloda Bazar (CG) for the offence punishable under Section 376 of IPC.
2. The first bail application of the applicant was dismissed on merits by this Court vide order dated 21.01.2021 passed in M.Cr.C. No. 9045/2020.
3. Case of the prosecution, in brief, is that on 04.01.2019 the prosecutrix lodged a report to the effect that she is 19 years of age and that after coming in contact with the applicant about a year prior to the date of incident, they were talking with each other on mobile. On the date of incident i.e. 17.08.2018, the applicant had committed forcible sexual intercourse with her on the pretext of marrying her as a result of which she got pregnant by 8-7 months. In the social meeting, the applicant accepted his mistake and kept the prosecutrix as his wife in his home but after about 15 days he ran away from his home.

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 17.11.2020 and due to Covid-19 pandemic, 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 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, trial is in progress in this case and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, 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. However, looking to the detention period of the applicant, the trial Court is directed to expedite the trial.

Sd/-

(Gautam Chourdiya)
Judge