

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6554 of 2021**

- Chudamani Alias Chudaman Sahu S/o Tukaram Sahu Aged About 27 Years R/o Village Gram Bana, Police Station Kharora, District Raipur, Chhattisgarh

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri N. Naha Roy, Advocate

For Respondents/State : Shri Ashutosh Mishra, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****17/12/2021**

1. Heard.
2. This is the Third 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 13.02.2019 in connection with Crime No.64/2019 registered at Police Station Aarang, District Raipur (CG) for the offence punishable under Section 376 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. The First Bail Application bearing M.Cr.C. No.1762 of 2020 was dismissed on 04.09.2020 and the Second Bail Application bearing M.Cr.C. No.3614 of 2021 was dismissed on 11.06.2021.

4. As per the prosecution case, the prosecutrix while was minor on 13.02.2019 when was going to her friends house at that time, the applicant forcefully committed the rape.
5. Learned counsel for the applicant submits that the prosecutrix has been examined before the trial Court and the examination of the evidence would show that she was a consenting party and was in relation. He would further submit that the false allegations have been made against the applicant as the applicant suffered with fracture and undergone certain surgery and was not having power to pressurize the prosecutrix at the relevant time, therefore, the applicant may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Father of the prosecutrix appeared before this Court and he has objected to grant of bail to the applicant.
8. Perused the statement of the prosecutrix. She has been examined as PW-1 and in the cross-examination she has made a positive statement. Considering the statement in examination-in-chief, this Court will not usurpt the power of the trial Court while hearing the bail application, therefore, taking into the prima facie statement, I am not inclined to release the applicant on bail.
9. Accordingly, the application is rejected.

Sd/-

Goutam Bhaduri
Judge

Ashu