

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8479 of 2021**

Paras Yadav, S/o. Santosh Yadav, aged about 24 years, R/o. Fandwani,
Police Station and District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer-In-Charge Of Police Station City
Kotwali Of Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pallav Mishra, Advocate
For Respondent/State	: Mr. Aman Kesharwani, P.L.
For Complainant/Objector	: Dr. Shailesh Ahuja, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/11/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.529/2020, registered at Police Station – City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 363, 366, 376/34 of the Indian Penal Code and Section 4 and 6 of POCSO Act. The first bail application of the applicant M.Cr.C. No. 254 of 2021 was dismissed on merits vide order dated 06.04.2021.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. False implication of the applicant is reflected from the deposition of the prosecutrix herself. She has made admission in her cross-examination regarding her being tutored for giving statement in the Court. Hence, this reflects integrity of the prosecution witness. The applicant is in jail since 26.09.2020.

Hence, it is prayed that he may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has fully supported the prosecution case, therefore, there is no reason to allow this application.
4. Learned counsel for the complainant/objector opposes the bail application and submits that there is no change in circumstances present for the consideration of this second bail application. Hence, this bail application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The previous bail application M.Cr.C. No. 254 of 2021 was dismissed on merits. The submission of the applicant's counsel regarding the admission of the prosecutrix in her cross-examination can not be given any consideration at the stage of grant of bail because it is the domain of the trial Court to consider on the deposition/statement for the purpose either to accept or reject the statement given by the prosecutrix. Hence, for this reason, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge