

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9107 of 2021**

- Hemlal Chouhan S/o Late Salik Ram Chouhan aged about 57 Years at Baba Gela Ram Nagar, Devpuri, P.S. Tikrapara, Raipur Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station, Tikrapara, Raipur, Dist. Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Lukesh Mishra, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, Panel Lawyer.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****07/12/2021**

1. This is second bail application making prayer for grant of bail. First Bail application filed by applicant under Section 439 of CrPC was dismissed on merits *vide* order dated 12.07.2021. Applicant has filed this Second Bail Application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 30/2021 registered at Police Station Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 376 of IPC.
2. Mr. Lukesh Mishra, learned counsel for the applicant would submit that after rejection of first bail application for grant of regular bail, prosecutrix herself was examined before the trial Court as PW-1. Paragraphs 5 to 7 of evidence are contradictory to the material available in the charge-sheet. The story narrated in the charge-sheet of commission of offence if read along with evidence of prosecutrix appears to be improbable, hence, applicant may be enlarged on regular bail. He also submits that applicant cannot be kept behind the bars for indefinite period.

3. Mr. Vaibhav Singh, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that prosecutrix in complaint and in her statement recorded under Section 161 of CrPC has levelled specific allegation as appearing from the impugned order Annexure A-1. He further pointed out that in court statement also, in paragraph 2, prosecutrix stood with the allegation of FIR as well as statement recorded under Section 161 of CrPC, hence, applicant is not entitled for grant of bail.
4. I have heard learned counsel for the respective parties.
5. Taking into consideration, the facts and circumstances of the case, contents of Annexure A-1, order of rejection of first bail application, paragraph 2 of evidence of prosecutrix, Annexure A-3, recorded before the trial Court, I do not find it a fit case to admit this second bail application.
6. This second application accordingly stands dismissed.

Sd/-
(Parth Prateem Sahu)
Judge