

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 5620 of 2017

- Keju Chakradhari S/o Nainsingh Chakradhari, Aged About 35 Years R/o Village Tupakbora, Post Office Ganjar, Police Station Bagbahra, District Mahasamund Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Bagbahra, District Mahasamund Chhattisgarh. --- **Respondent**

31.08.2017	<p>Mrs. Smita Jha, counsel for the applicant.</p> <p>State by Mr. Ramakant Mishra, Panel Lawyer.</p> <p>This is second bail application filed u/s 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.27 of 2017 registered at Police Station – Bagbahra, Distt. Mahasamund (C.G) for the offence punishable u/ss 376, 417, 186, 294 & 506 of IPC.</p> <p>As per the prosecution, a report was made by the prosecutrix on 08.02.2017 that the applicant despite being married has projected himself as unmarried and on the allurements of marriage, committed sexual intercourse with the prosecutrix in between the period from 11.12.2015 and 2017. Thereafter though the applicant performed marriage with the prosecutrix, but subsequently she came to know about the fact that the applicant was already married, therefore, on the false assurance the applicant committed offence.</p> <p>Learned counsel for the appellant would submit that now the prosecutrix has been examined and reading of her cross examination would show that she was consenting party, therefore, the case u/s 376 IPC will not be made out and the prosecutrix and the applicant knew with each other for the last 5 years. It is further submitted that the applicant is in jail since 09.02.2017 and he may be enlarged on bail.</p>

R a o	<p>Per contra learned counsel opposes the prayer for grant of bail.</p> <p>Perused the statement of prosecutrix and the detailed examination in chief wherein she has narrated the incident and also perused her detailed cross examination.</p> <p>It is for the trial Court to adjudicate the facts after evaluating the entire evidence on record including the statements of other witnesses. Therefore, at this stage, no finding can be given by this Court adjudicating the case on merits for reconsideration of bail as it would amount to usurping the power of the trial Court. Hence, I am not inclined to allow this bail application. Accordingly, it is rejected.</p> <p style="text-align: right;">Sd/- GOUTAM BHADURI JUDGE</p>
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