

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 6813 of 2022

Sanesh Dehari S/o Sampat Dehari Aged About 27 Years R/o Village Deharipara
Kolar P.S. Ravghat District North Bastar Kanker, (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate District North Bastar Kanker
and Police Station Ravghat District North Bastar Kanker, (C.G.).

--- Respondent

For Applicant	: Mr. PK Tulsiyan, Advocate with Mr. KK Bahrani, Advocate.
For State	: Mr. HS Aluwahliya, Dy. AG.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

29/07/2022

Heard.

1. This is **Second bail** application of applicant filed under Section 439 of Code of Criminal Procedure for grant of regular bail. First application was dismissed on merits vide order dated 26.11.2021 in MCRC No.6753/2021.
2. Applicant is in jail since 15.12.2020 in connection with Crime No.10/2020, registered at PS -Ravghat, District North Bastar Kanker, (C.G.), for commission of offence punishable under Sections 363, 366, 376, 376(3) of the Indian Penal Code & Section 4 of Protection of Children From Sexual Offences Act, 2012.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case, he has not committed any offence as alleged against him. This bail application is filed on the ground that alleged eye-witness to the incident PW-4/Kamini Nag was examined before the trial Court, she has not supported the case of prosecution. Applicant is in jail since 15.12.2020, hence, he may be released on regular bail.
4. Learned State Counsel opposes submission of learned counsel for applicant and submits that earlier bail application of applicant was dismissed on merits considering statements of prosecution witnesses recorded under Sections 161 of Cr.PC. He also pointed out that prosecutrix on the date of incident was aged about 12 years 4 months only. She was examined as PW-1 before trial Court and stood with the allegations levelled against the applicant in her statements

recorded under Sections 161 and 164 of Cr.PC. In support of his contentions, he read over contents of para -11 of deposition of prosecutrix.

5. Heard learned counsel for the parties.
6. Considering entire facts and circumstances of case, nature of allegations, submission of counsel for the parties, evidence of prosecutrix before the trial Court, I do not find present to be a fit case to admit this second bail application.
7. Accordingly, this bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

J/-