

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2045 of 2015**

Pancham Minj S/o Late Laluram, aged about 24 years, R/o village-  
Dharanagar, Police Station-Shankargarh, Revenue District-Balrampur  
Ramanujanj, Civil District- Surguja (CG)

---- **Petitioner**

**Versus**

State of Chhattisgarh Through Police Station Shankargarh, Revenue  
District- Balrampur Ramanujanj, Civil District-Surguja (C.G.)

---- **Respondent**

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|-----------------------|---|----------------------------------|
| For Applicant         | : | Shri Anand Kesharwani, Advocate  |
| For Respondent /State | : | Shri Chandresh Shrivastava, P.L. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**03/07/2015**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 22.07.2013 in connection with Crime No. 78/2013 registered at P.S. Shankargarh, Revenue District-Balrampur Ramanujanj for the offence punishable under Sections 354, 376 and 323 of IPC and 3 (A) Protection of Children from Sexual Offences Act.

While dismissing the first bail application vide order dated 10.07.2014 this Court had observed that "Liberty is granted to the applicant to revive the bail application in case if the prosecutrix at the second time also on appearing before the Court below does not give any statement."

Now the second bail application has been moved stating that subsequently to the disposal of the first bail application, the prosecutrix has appeared and also deposed before the Court below but there are many contradictions and omissions in his deposition, therefore, the applicant may be released on bail.

However, opposing the bail application State Counsel submits that a perusal of the statement of the prosecutrix itself would show that it is not a case where she has turned hostile and has not supported the case of the prosecution and as such the bail application, at this stage, since it has already been rejected on merits, deserves to

be rejected.

Considering the submissions put forth by the counsel for the parties, this Court is of the opinion that since the prosecutrix has appeared and has also deposed before the Court below against the Applicant, it would not be proper for this Court to appreciate the evidence and to reach a conclusion at this juncture.

Accordingly, the present application filed under Section 439 of Cr.P.C. is dismissed.

However, it is directed that the trial Court shall try to dispose of the trial as expeditiously as possible.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**