

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2272 of 2016**

Naveen Kumar Verma, son of Shri Bhag Chand Verma, aged about 21 years, R/o Village Bodela, Tumadibord, P.S. Dongargarh, Distt. Rajnandgaon (C.G.), Current address Pardesh pan Thela, Near Kali Mandir, Ariya Nagar Kohka, P.S. Supela, District Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Supela, District Durg (C.G.)

---- Non-applicant

For Applicant:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant/State:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/05/2016**

Heard.

(1) The accused/applicant has moved this Second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 422/2015 registered at Police Station Supela, District Durg for the offences punishable under Sections 363, 366 & 376 of Indian Penal Code and Sections 3 & 4 of the POSCO Act.

(2) Applicant's first bail application was dismissed on merits by this Court by order dated 15.09.2015 passed in M.Cr.C. No.4392/2015 holding that taking into consideration the nature and gravity of the offence and the prosecutrix was minor on the date of offence.

(3) Second bail application has been preferred on the ground that two witnesses namely D.M. Sahu & Ku. Asha Das have been

examined before the trial Court and they have not supported the case of the prosecution; and the applicant is languishing in jail since 23.06.2015 and, therefore, second bail application may be entertained and the applicant be released on bail.

(4) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(5) It is not in dispute that applicant's first bail application was dismissed on merits by order dated 15.09.2015 and the same has become final. Now on the basis of statement of two witnesses namely D.M. Sahu & Ku. Asha Das, instant second bail application has been filed.

(6) First witness namely- D.M. Sahu has stated about date of birth of the prosecutrix whereas second witness namely- Ku. Ashas Das has stated that the prosecutrix has stayed in her house in June, 2015 for one night.

(7) Having heard learned counsel appearing for the parties, and after going through the statements of the prosecution witnesses and considering the material available on record, I do not find any substantive change in circumstances for entertaining this second bail application. Thus, the second bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-