

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1945 of 2017**

Sonu @ Kamlesh Nisad S/o Kishan Lal Nisad Aged About 25-26 Years R/o Urdana Road, Dindayal Colony Near Kosabadi, Raigarh, Tahsil & District Raigarh Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Thana In Charge City Kotwali, Raigarh, Chhattisgarh.

---- Respondent

For applicant - Shri Rajendra Tripathi, Advocate.
For Respondent/State – Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****22/03/2017**

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 26/07/2016 vide M.Cr.C. No.3320 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.20/2016 registered in Police Station City Kotwali Dist Raigarh (C.G.) for offence punishable under sections 363, 366, 376 & 377 of IPC and Section 4 of POCSO Act and Section 3(1) (12), Section 3(2)(5) of SC/ST Act.
3. As per the prosecution case, on 5/01/2016 when the prosecutrix had gone to answer call of nature, at that time applicant caught hold of her and thereafter took her to the forest and committed forceful sexual intercourse as also committed unnatural sex. Thereby, offence is committed.
4. Learned counsel for the applicant submits that enormous delay is caused, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.
6. Perused the order sheet. Earlier bail application was dismissed on merits on 26/07/2016. Perusal of the order sheet would show that no exorbitant delay has been caused so as to enlarge the applicant on bail. Considering such fact, I do not find any change of circumstances to reconsider this second bail application.
7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE