

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 499 of 2018

- Mohit Ram Mohle, S/o Kumhar Mohle, Aged About 25 Years, R/o Gunsari, Post Belsari, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, Bilaspur, Chhattisgarh

---- Respondent

For Applicant
For Respondent-State

Shri N. K. Chatterjee, Advocate
Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

09/02/2018

1. The applicant has preferred this second bail application under Section 439 of CrPC, as he has been arrested in connection with Crime No.426/2016, registered at Police Station Sirgitti, District Bilaspur, for the offence punishable under Sections 363, 366, 376 of IPC and Section 3 and 4 of the POCSO Act.
2. Learned counsel for the applicant would submit that since after dismissal of the earlier bail application, the prosecutrix has been examined, therefore, there is change in circumstance.
3. Mere examination of prosecutrix is not change in circumstance, as there was no liberty reserved in favour of the applicant while

dismissing the earlier bail application on 24.11.2017 in MCRC No.5321/2017 to revive the prayer for bail.

4. Since the prosecutrix has already been examined, the trial is near in completion, therefore, otherwise also, the bail does not deserve to be granted. Accordingly, the bail application is dismissed, however, the trial Court shall do well to dispose of the trial at the earliest.

Sd/-

Judge

Prashant Kumar Mishra

Nirala