

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2542 of 2019**

- Sahil Jangde S/o Ramkumar Jangde, Aged About 19 Years R/o Ramnagar, Bye-Pass Road, Korba District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through, S.H.O. Police Station - City Kotwali, Korba (Police Out Post - Manikpur) District Korba Chhattisgarh

---- Respondent

For Applicant : Shri Vivek Kumar Tripathi, Advocate

For Respondent/State : Shri Ashish Surana, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/07/2019**

1. Heard.
2. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.589/2018 registered at Police Station City Kotwali, Korba (Police Out Post Manikpur) Distt. Korba (CG) for the offence punishable under Sections 363, 328, 376, 34 IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3 (2) (v) S.C. S.T. Act.

3. The first bail application bearing M.Cr.C. No.7446 of 2018 was dismissed as not pressed on 29.10.2018.
4. As per the prosecution case, a report was made by mother of the prosecutrix that on 14.07.2018 her daughter was subjected to rape by Sahil Jangde and it is alleged that another co-accused Junaid Khan was also in the company of another girl who was at the time of the incident was with them, thereby the offence has been committed.
5. Learned counsel for the applicant submits that few of the witnesses have been examined and the applicant is in jail since 20.08.2018, therefore, the applicant may be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Be that as it may, only because of few of the witnesses have been examined, change of circumstances do not find place so as to reconsider this repeat bail application. It is for the trial Court to appreciate the evidence of the witnesses and any observation made by this Court may affect the trial. Considering the same, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge