

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6958 of 2018**

Sandeep Toppo S/o Shri Villium Toppo, aged about 18 years R/o Village Birisinga, Police Station and Tahsil Lailunga, District Raigarh (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Lailunga, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Rakesh Kumar Behra, Advocate
For Respondent	:	Mr. Bhaskar Pyashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

02/01/2019

1. The Applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 26/2017 registered at Police Station Lailunga, Raigarh (C.G.) for the offence punishable under Section 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. First Bail Application of the Applicant was dismissed on merits vide order dated 01/05/2017 passed in MCRC No. 2237/2017.
3. In this case, the Prosecutrix is a girl aged about 5 years. As per prosecution story it is alleged that the Applicant, on the pretext to give chocolate and toys, had taken the prosecutrix in his house and inserted his genital inside her mouth. A report in this regard was made by the mother of the Prosecutrix. The Applicant has been taken into custody on 31/01/2017.
4. Counsel for the Applicant submits that the Applicant is innocent and

falsely implicated in the present case. He is in custody since 31/01/2017, the Prosecutrix has already been examined before the Court and trial will take much more time, therefore, the Applicant may be released on bail.

5. Counsel appearing on behalf of the State also opposes the bail application and submits that the offence is of serious nature. In her court statement, the Prosecutrix has supported the case of the prosecution. First bail application of the Applicant has already been rejected and there is no new ground to consider this bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that, first bail application has been rejected on merit, the Prosecutrix in her Court statement has supported the case of the prosecution and there is no new ground in this bail application, I am not inclined to release the Applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge