

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6307 of 2019**

- Jugal Kishore Sinha S/o Kallu Ram Sinha Aged About 27 Years R/o Arajkund, Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Dondilohara, District Balod Chhattisgarh

----Non Applicant

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For the Applicant : Mr. Shailesh Puriya, Advocate

For Non Applicant : Mr. D.K.Tiwari, Dy. G.A.

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****26.09.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court by order dated 11.02.2019 passed in MCRC No.783 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.158/2018 registered at Police Station- Dondilohara, District Balod (C.G.) for the offence punishable under Section 376 of the Indian Penal Code, Section 4/6 of POCSO Act, 2012 and Section 3(2)(B)2, & 3(2)(v) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act.
4. Case of the prosecution, in brief, is that on 21.09.2018, the prosecutrix was aged about 17 years old. She is a resident of village Kochera. On

21.09.2018 at about 8:00 p. m., the applicant had come in her house and forcefully sat her in his car and on the way he stopped his car and committed sexual intercourse with her in his car. She is a member of Scheduled Caste.

5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that prosecutrix was a consenting party. Applicant is in jail since 25.09.2018. He drew my attention on the statement of the prosecutrix recorded under Section 164 CrPC.
6. On the other hand, learned counsel for the State opposes the bail application. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
7. Earlier this Court has considered the statement of the prosecutrix recorded under Section 164 CrPC.
8. Detention period of accused is considerable factor for disposal of the bail application. But actually it is also true that other circumstances like gravity of the offence, impact of granting bail to the accused on society, are also material and important for disposal of the bail application.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in second round of litigation. Consequently, the second bail application is rejected.

**Sd/-**

**(Sharad Kumar Gupta)**  
Judge