

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5118 of 2020

Sahil Jangde S/o Ram Kumar Jangde Aged About 19 Years R/o
Ramnagar Bypass Road Korba District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through (Police Out Post Manikpur) Police Station
Kotwali, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Shukla, Advocate

For Respondent : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

26.08.2020

1. This is the fourth 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 Out Post Manikpur, Police Station Kotwali, District Korba (C.G.) for the offence punishable under Sections 363, 328, 376, 34 of I.P.C. & Section 4 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. The first bail application was dismissed as not pressed on 29.10.2018, second bail application was rejected on merit on 05.07.2019 and third bail application was rejected on 06.01.2020.
2. 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.

3. Learned counsel for the applicant submits that because of the closure of the Court during pandemic period, the evidence has not been recorded and the applicant is unnecessary languishing in jail, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the grant of bail.
5. On the earlier two-three occasions, the bail application has been dismissed on merit and prima facie at present, I do not find any change of circumstances. The pandemic situation and limited functioning of the Court is applicable to all the person even to the person who are accused in jail. The nature of allegation against the applicant is not minor offence, therefore, because of only pandemic situation since recording of evidence is being deferred for the time being, bail cannot be claimed as a matter for right. Accordingly, the instant fourth bail application filed under Section 439 of Cr.P.C. is also dismissed.

Sd/-
(Goutam Bhaduri)
Judge