

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4465 of 2020

- Dinesh Banjare S/o Jawahar Banjare, Aged About 24 Years, R/o Ward No.08, Behind Bijali Office, Abhanpur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Abhanpur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Dashrath Kushwaha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Shri Manoj Kumar Jaiswal, Advocate for the complainant/prosecutrix.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 02-07-2019 in connection with Crime No.115/2019 registered at Police Station – Abhanpur, District Raipur, Chhattisgarh for the offence under Section 363, 376, 506 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant that this is second application for grant of regular bail filed by the applicant. The first bail application filed by the applicant, MCRC No.3197/2020 was dismissed on merits on 30-06-2020. In the second application filed learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix has no objection in grant of bail to the applicant regarding which one application for no objection has been filed on her behalf. Therefore, it is prayed that this application be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has not been found entitled for grant of bail on

merits earlier. Further, representation on behalf of the complainant itself shows that the applicant side is influencing the witnesses. Therefore, this application may be rejected.

4. Shri Manoj Kumar Jaiswal, learned counsel appearing for the complainant submits that the complainant has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the documents.

6. Considered on the submissions and the facts of the case. According to the merits the applicant was not found entitled for grant of bail earlier, at present the change in circumstances as demonstrated by the applicant side that the complainant/victim herself has no objection in grant of bail cannot be entertained. The victim/prosecutrix has also not been examined in the Court so far. Further, the facts of the case itself show that the applicant is alleged to have committed very heinous kind of offence. Therefore, I do not find any specific change in circumstances in the facts of the case. Hence, for this reason I do not feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge