

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8198 of 2019**

- Dhaneshwar Verma S/o Late Kallu Verma Aged About 26 Years R/o Bhatapara, Saragaon, Police Station Kharora, District Raipur (Wrongly Mentioned as District Mahasamund), Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Varunendra Mishra, Advocate.
For Respondent/State : Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/01/2020**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 55/2019, registered at Police Station – Kharora, District – Raipur, Chhattisgarh, for the offence punishable under Sections 363, 366, 354(A) of Indian Penal Code, Section 11(1), 12 of POCSO Act & Section 3(2)(VA) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.
2. First bail application of the applicant was earlier dismissed as withdrawn vide order dated 08.05.2019 passed in MCRC No. 1968 of 2019.
3. As per the prosecution story, age of the prosecutrix at the relevant time was about 12 years and 7 months. On 14.02.2019 a report has been lodged by one Tarni Devdas i.e. mother of the prosecutrix alleging therein that when her daughter/victim, who is of unsound mind, was playing near her house at that time applicant came there and took her towards stadium side, thereafter removed her underwear

with intention to outrage her modesty. On the basis of the above report, offence has been registered and applicant has been taken into custody on 15.02.2019.

4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some family dispute. He further submits that prosecutrix as well as other eye-witnesses have been examined before the Trial Court. It is further submitted that applicant has been taken into custody on 15.02.2019, charge-sheet has been filed and trial is likely to take some time, therefore, it is prayed that applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that prosecutrix, her mother and one eye witness namely Savitri have already been examined before Trial Court and they have supported the entire case of the prosecution. Therefore, looking to the above statements of the witnesses, the bail application of the applicant should be rejected.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the statements of the prosecutrix as well as the eye-witnesses recorded before trial Court, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge