

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8328 of 2021**

- Pankaj Dewangan S/o Rajkumar Dewangan aged about 28 Years
R/o Village Medha, Ward No. 15, Bazar Chowk, Dongargarh,
District Rajnandgaon, Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Dongargarh, District
Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Alok Dewangan, Advocate
For Non-applicant/State	: Mr. Ashish Gupta, Panel Lawyer.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****26/10/2021**

1. First bail application filed by applicant under Section 439 of CrPC was dismissed on merits by this Court *vide* order dated 23.07.2021 after hearing learned counsel for applicant therein at length. Applicant has filed this **second bail** application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 507/2020 registered at Police Station Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
2. Mr. Alok Kumar Dewangan, learned counsel for the applicant submits that the prosecutrix was subsequently married which prima facie shows that the prosecutrix was not minor on the date of alleged incident. Date of birth mentioned in the school register cannot be taken to be correct because the parents of prosecutrix might have recorded date of birth of prosecutrix without any proof. Applicant is in jail since last one year, hence, he may be enlarged on bail.

3. Mr. Ashish Gupta, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that while dismissing the application on 23.07.2021, the submission of learned counsel for applicant therein with respect to age of prosecutrix has been considered at that time. Learned counsel for applicant has only raised that the document seized by the police with regard to proof of age of prosecutrix was of some other girl. Prosecutrix was examined on 12.03.2021. In the statement, she levelled specific allegation of committing offence by applicant, hence, this second bail application is not maintainable on the same ground which has been raised and already considered by this Court in first bail application.
4. I have heard learned counsel for the parties.
5. Taking into consideration, the facts and circumstances of the case, the fact that the first bail application was dismissed on merits after considering detailed arguments raised by learned counsel for applicant therein. Prosecutrix is stated to have been examined by the trial Court and has supported the case of prosecution, I do not find it fit to allow this bail application.
6. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge