

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9591 of 2021**

- Niraj Jangde @ Nirja S/o Ballu Jangde aged about 29 Years
R/o Village Marukapa, P.S. Lalpur District- Mungeli C.G.

-----Applicant**VERSUS**

- State of Chhattisgarh Through SHO, Police Station Lalpur,
District Mungeli, Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Dheerendra Pandey, Advocate
For Non-applicant	: Mr. Raghvenda Verma, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****06/12/2021**

1. First bail application filed by applicant under Section 439 of CrPC was dismissed on merits by this Court *vide* order dated 29.10.2020 after hearing learned counsel for applicant therein at length.
2. 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. 117/2020 registered at Police Station Lalpur, District Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
3. Mr. Dheerendra Pandey, learned counsel for the applicant submits that after dismissal of first bail application, prosecutrix got examined before the trial Court on 17.09.2021. As there are contradictions and omissions in her statement, offence as alleged would not be made out, hence, applicant may be released on bail.

4. Mr. Raghvendra Verma, learned State counsel opposes the submission of learned counsel for applicant and would submit in paragraph 1 of statement before the Court, prosecutrix levelled specific allegations of commission of forceful intercourse with her. She was minor on the date of incident, thus, applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Considering the nature of allegations, facts and circumstances of the case, particularly, paragraph 1 of the statement of prosecutrix recorded before the trial Court, I do not find any good ground to entertain this second bail application.
7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge