

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No. 2630 of 2016**

Mausim Ansari @ Mohsin Ansari S/o Mohd. Moinuddin Ansari Aged About 21 Years R/o Purani Basti, Anuppur, P.S. Anuppur, Civil & Revenue District Anuppur (M.P.)

---- Applicant**Versus**

State Of Chhattisgarh Through : The Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh

-----Non-Applicant

For Applicant:	Shri N. Ansari, Advocate.
For Non-Applicant/State:	Shri UKS Chandel, Panel Lawyer for the State.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

11.5.2016

1. This is the 2nd bail application preferred by the Applicant under Section 439 Cr.P.C as he was arrested on 9.5.2014 in connection with Crime No.22/2014 registered at Police Station – Sarkanda, Distt. Bilaspur (CG) for the offence punishable under Sections 363, 366 and 376 IPC and under Section 4 of the POSCO Act, 2012. The earlier bail application was rejected by this Court on merits vide order dated 9.7.14 passed in M.Cr.C No.3186/14.

2. Learned Counsel for the Applicant submits that most of the witnesses have already been examined and that they have not supported the case of the prosecution including the prosecutrix and therefore, the Applicant is entitled to be released on bail.

3. On the other hand, State counsel however opposing the bail application submits that it is a case where the age of the prosecutrix is only around 13

years as is reflected from her deposition, which was recorded before the Court below on 11.1.2014 and therefore even if it is a case of consent, looking to the age of the prosecutrix, the Applicant is not entitled to be released on bail.

4. Having heard learned counsel for the parties, taking into consideration the facts and circumstances of the case, particularly the age of the prosecutrix and the fact that most of the witnesses have already been examined and only a few are left, I am of the opinion that it is not a fit case where the Applicant can be released on bail at this juncture. Accordingly, the Application is rejected.

Sd/-
(P. Sam Koshy)
JUDGE