

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7203 of 2017

Bedu Ram Sahu S/o Shri Bhagwat Sahu, Occupation Labour, R/o Village-Barduli, Police Station Pipariya, Tahsil Kawardha, Civil & Revenue District Kabirdham (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The S.H.O. Police Station Pipariya, Civil & Revenue District Kabirdham (C.G.).

---Respondent

For applicant	:	Shri Paras Mani Shriwas, Advocate.
For resp./State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/12/2017

1. Present is a repeat bail application filed under Section 439 of Cr.P.C. in connection with Crime No.26/2017 registered at Police Station Pipariya, Civil and Revenue District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
2. Present applicant is in jail since 02/04/2017.
3. The earlier bail application was rejected by this Court on merits on 13/09/2017 vide M.Cr.C.No. 3777/2017.
4. The ground of challenge by the counsel for the applicant is that, the age of the prosecutrix has not been properly established before the Court below to ascertain whether she was a minor on the date of the accident or not? He

further submits that, the prosecutrix has already been examined before the trial Court and that the deposition of the prosecutrix clearly reflects that, she was a consenting partner.

5. Perusal of the record show that, the first bail application filed by the applicant was rejected on 13/09/2017 i.e. subsequent to the prosecutrix being examined before the trial Court on merits.

6. Thus, the deposition of the prosecutrix as well as her date of birth cannot now be considered by this Court while considering the second bail application.

7. Accordingly, the present bail application stands rejected.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE