

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1754 of 2018**

Chhabi @ Veer Singh Jogi (Masih) S/o Titus Jogi Aged About 19 Years R/o Sambalpur, Police Station Bilha, District Bilaspur Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara (Sahar), District Balodabazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant	:	Mr. G.R. Miri, Advocate along with Mr. Basant Kaiwartya, Advocate
For State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/03/2018**

1. Present is a repeat bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 145/2017 registered at Police Station Bhatapara (Sahar), District Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4 & 6 of Protection of Children from the Sexual Offences Act, 2012.
2. Earlier bail application was dismissed as withdrawn with liberty to revive after the prosecutrix is examined. The prosecutrix now has been examined and thereafter the present repeat bail application has been filed. The statement of prosecutrix shows that she has supported the case of the prosecution.
3. At this juncture, the counsel for the applicant submits that there does not appear to be any evidence so far as the girl being a minor and that no proof has also been produced by the prosecutrix till date by way of evidence before the trial Court. The deposition of the

prosecutrix shows that the prosecutrix had voluntarily gone along with the applicant and had physical relationship and stayed with the applicant for quite sometimes. He also submits that the statement of the prosecutrix would not disclose any force or coercion put forth by the applicant against the prosecutrix and thus prayed for grant of bail.

4. However from the proceedings it reflects that the applicant has been charged for the offence under Sections 363, 366 & 376 of Indian Penal Code. In addition he has also been charged with under Sections 4 & 6 of the Protection of Children from the Sexual Offences Act. The deposition reflects the age of the prosecutrix as 14 years. There does not seem to be any cross-examination made by the applicant side in defense to disprove that the prosecutrix was not a minor.
5. Under the circumstances, this Court does not find any strong case made out by the applicant for grant of bail at this juncture. The bail application thus deserves to be and is accordingly rejected.

**Sd/-
(P. Sam Koshy)
Judge**