

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4703 of 2018**

American Cherwa S/o Shiv Balak, Aged About 20 Years, R/o Jogidihpara, Police Chouki Dowra P.S.- Pasta, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through- Police Station- Pasta, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vikash Pandey, Advocate
For Respondent/State	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2018**

Present is a repeat bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 06.09.2017 in connection with Crime No. 53/2017 registered at Police Station - Pasta, District Balrampur-Ramanujganj (CG) for the offence punishable under Section 376(2-n, i) of IPC and Section 5 (8), 6 of Protection of Children from Sexual Offences Act, 2012.

2. The earlier bail application stood rejected vide order dated 09.04.2018 in MCRC No. 741/2018.

3. Counsel for the applicant submits that vide the earlier order this Court had permitted the applicant to revive the bail application after the prosecutrix was examined. However, the prosecutrix in the instant case had already been examined much before the earlier bail application was

rejected and the said fact was not in the knowledge of the counsel for the applicant. He submits that the age of the prosecutrix does not show her or establish her to be a minor at the relevant point of time based on her deposition, therefore prays for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that it is a case where the prosecutrix has deposed against the applicant supporting the case of the prosecution and therefore, the present application deserves to be rejected.

5. Considering the entire facts and circumstances of the case, particularly taking note of the deposition of the prosecutrix and her age, this Court does not find it to be a fit case to release the applicant on bail.

6. Accordingly, the application for grant of bail stands rejected. However, the trial Court is directed to ensure that the trial is concluded at the earliest.

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