

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5168 of 2018**

- Ganesh @ Jeetu Kurre S/o Jhalu Ram Kurre Aged About 23 Years R/o Goda, Police Station Palari, District Baloda Bazar-Bhatapara Presently R/o Jhopadpatti, Gondwara, Police Station Khamtarai, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Palari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent**MCRC No.5260 of 2018**

- Ganesh @ Jeetu Kurre S/o Jhalu Ram Kurre Aged About 23 Years R/o- Goda, Police Station Palari, District- Baloda Bazar- Bhatapara, Presently Residing At Jhopadpatti, Gondwara, Police Station Khamtarai, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Shri A. K. Sahu, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2018**

Heard.

1. By this common order, the bail applications (M.Cr.C.Nos.5168 & 5260 of 2018) are being finally disposed off as the aforesaid two bail applications have been preferred by the same applicant-**Ganesh @ Jeetu Kurre**, but arise out of Crime No.161/2016 & 88/2016 registered at Police Station Palari, District

Baloda Bazar-Bhatapara for the offences punishable under Sections 363, 366 & 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act.

2. The aforesaid two applications are repeat bail applications. Earlier bail applications were rejected by this Court vide order dated 11-05-2018.

3. Learned counsel appearing for the respective applicant submitted that these repeat bail applications have been filed by the applicant mainly on the ground that now the prosecutrix has been examined and she has clearly stated that on the date of commission of offence, she was more than 18 years of age. It is argued that the prosecutrix in her examination before the Court below, has emphatically stated her date of birth is 01-06-1997 and in view of this specific oral evidence, material contained in the case diary is mark sheet and not even Dakhil Kharij Register, therefore, at this stage, the applicant may be granted bail.

4. Learned counsel for the State/non-applicant opposes the application by submitting that the bail application of the applicant was earlier considered and rejected taking into consideration the age aspect also.

5. Earlier this Court had rejected the bail application mainly on the ground that according to the prosecution, prosecutrix is less than 18 years of age, however, now the prosecutrix has been examined and she has emphatically stated that her date of birth is 01-06-1997. The case diary only shows mark sheet and even register of the school has not been produced along with the charge sheet. Therefore, in the changed circumstances, I am inclined to allow both the applications.

6. Consequently, both the applications (M.Cr.C.Nos.5168 & 5260 of 2018) are allowed. It is directed that the applicant in aforesaid two bail applications shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E

