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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3416/2018 & CrI. M.A. 12413/2018 (Exemption)

PUSHPA JAIN

..... Petitioner

Through: Mr. Vijay Singla, Mr. Ajay Kumar, Mr.
Vinay Shankar, Advocates

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Akshai Malik, APP for the State
with SI Ekta, PS Nangloi

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.07.2018**

The mother of the prosecutrix child has filed the petition invoking the extraordinary jurisdiction of this court under Section 482 Cr. PC read with Section 439 (2) Cr. PC to question the grant of bail to the second respondent by the Additional Sessions Judge presiding over the trial of the case involving offences under Section 376 IPC and Section 6 and 10 of Protection of Children from Sexual Offences Act, 2012 by order dated 16.05.2018.

The contention raised is that since this court had earlier declined the release of bail by order dated 30.01.2017, the sessions court was not vested with the jurisdiction to entertain such application for grant of relief. The contention cannot be accepted as by the same

order dated 30.01.2017, liberty was granted to second respondent to file fresh application for bail. The circumstances have changed over the period, all the prosecution witnesses having already been examined and the case being at the stage of defence evidence nearing final conclusion. The second respondent is aged 76 years and is statedly suffering from several ailments.

In these circumstances, this court declines to interfere in the discretion exercised by the court below.

Dismissed.

R.K.GAUBA, J

JULY 12, 2018

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