

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8856 of 2020

Toman Mahilange S/o Late Manmohan Mahilange Aged About 22 Years R/o Mohtara, Police Station- Saja, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Saja, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate.
For Respondent/State : Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

27.01.2021

1. This is the fifth bail application of the Applicant preferred under Section 439 of Cr. P.C.
2. First bail application was dismissed as withdrawn vide order dated 05.08.2019 passed by this Court in MCRC No.4306/2019.
3. Second bail application was dismissed with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 07.05.2019 passed by this Court in MCRC No.2866/2019.
4. Third bail application of the Applicant was dismissed on merits vide order dated 05.11.2019 passed by this Court in MCRC No.5657/2019.
5. Fourth bail application was dismissed with liberty to revive after 04 months vide order dated 15.07.2020 passed by this Court in MCRC No.3742/2020.

6. The present bail application is submitted by the counsel on the new ground that the age of the prosecutrix mentioned in her Adhar Card is 01.01.2001 therefore, at the time of incident, her age was more than 18 years.
7. I have gone through the statement of the prosecutrix recorded by the concerned Trial Court. In her Court statement she has categorically deposed that her date of birth is 31.12.2001. Though, the Adhar Card submitted by the counsel is part of the case diary, the prosecutrix has not been confronted by the defence counsel on this point.
8. Looking to the above, the instant application is dismissed. Learned counsel for the Applicant may move an appropriate application before the Trial Court for re-cross examination of the prosecutrix for confronting her on the point of entries of Adhar Card. On submission of such an application, the Trial Court shall decide the same in accordance with law.

Sd/-

(Arvind Singh Chandel)
Judge