

(2019) 02 CHH CK 0444

Chhattisgarh High Court**Case No:** Miscellaneous Criminal Case (MCRC) No. 734 Of 2019

Dadu Lal Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 25, 2019**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 4

Hon'ble Judges: Goutam Bhaduri, J**Bench:** Single Bench**Advocate:** Dashrath Kushwaha, R.K. Bhagat**Final Decision:** Dismissed

Judgement

Goutam Bhaduri, J

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.112/2018 registered at Police Station Pallari, Distt. Baloda Bazar-Bhatapara (CG) for the offence punishable under Section 376 IPC and Section 4 of the Protection of Children from the Sexual Offences Act, 2012.
2. The First bail application bearing M.Cr.C. No.2863 of 2018 was dismissed as withdrawn on 28.05.2018 with liberty to repeat after the material witnesses are examined.
3. As per the prosecution case, on 14.02.2018 the applicant has sexually assaulted a minor girl of aged about 5 years. As such the offence has been

committed.

4. Learned counsel for the applicant submits that the material witnesses in this case have been examined and the applicant is in jail since 15.02.2018, therefore, he may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of Kumari Bai (PW-1), who is the mother of the victim, considering the same without any observation on merits, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.