

Sanjay Sidar Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Feb. 9, 2018

Acts Referred: Indian Penal Code, 1860 " Section 363, 376
Code Of Criminal Procedure, 1973 " Section 439
Protection Of Children From Sexual Offences Act, 2012 " Section 3, 4

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Indira Tripathi, Arvind Dubey

Final Decision: Allowed

Judgement

Prashant Kumar Mishra, J

1. The applicant has preferred this second bail application under Section 439 of CrPC, as he has been arrested in connection with Crime No.99/2017,

registered at Police Station Kansabel, District Jashpur, for the offence punishable under Sections 363 & 376 of IPC and Sections 3 & 4 of the

POCSO Act, 2012.

2. The first bail application was dismissed as withdrawn on 30.11.2017 in MCRC No.4949/2017 with liberty to repeat the prayer after examination of

the prosecutrix.

3. Although, the prosecutrix is less than 16 years of age, however, while examined in the Court, she has not supported the prosecution at any stage of

the examination, even her parents have not supported the prosecution case.

4. The applicant is in jail since 16.06.2017 i.e. for about 8 months, therefore, considering the entire facts situation of the case, this Court is inclined to

release the applicant on bail. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal

bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court

on each and every date given by the said Court.