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**(2018) 02 CHH CK 0194**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 887 Of 2018

Sanjay Sidar

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**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

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 The first bail application was dismissed as withdrawn on 30.11.2017 in MCRC No.4949/2017 with liberty to repeat the prayer after examination of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