

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7170 of 2015

Aghnu Sahu, S/o. Hem Prasad Sahu, aged about 45 years, R/o. Panchshil Nagar, Bhathapara, Police Station Bhathapara (Shahar) District Baloda Bazar, Bhathapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station – Nandghat, outpost Maro, District Bemetara (C.G.)

---- Respondent

For Applicant	:-	Mr. Vimlesh Bajpai, Advocate
For Respondent /State	:-	Mr. Vinod Takam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

22/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 258/2015, registered at Police Station – Nandghat, outpost Maro, District – Bemetara (C.G.) for the offence punishable under Sections 354 of IPC and section 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 01.07.2015 the prosecutrix who was aged about 13 years, the applicant caught hold and tried to pulled out her under garments, thereafter, the applicant tried to outrage her modesty. Thereby the offence is committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that there is no proper identification has been conducted by the

prosecution and the charge sheet in this case has been filed. He further submits the applicant is in jail since 06.07.2015; therefore, he may be enlarged on bail.

4. State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the prosecutrix. Perusal of the case diary and the statement of the prosecutrix/victim she was minor aged about 13 years at the time of incident. Therefore, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Santosh