

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 994 of 2015

Navjot Singh Saluja S/o Manjit Singh Aged About 20 Years R/o Village & Post Jhalap
Police Station - Pateva District - Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Moudahapara District Raipur
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hemant Kesharwani, Advocate.
For State	:	Mr. Vinod Tekam, Panel Lawyer.

Order On Board

15/10/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.159/2015 registered at Police Station- Moudahapara Raipur, District Raipur (C.G.) for alleged commission of offence under Section 354(A) of IPC, Section 8 of Protection of Children From Sexual Offences Act, 2012.
2. Case of the prosecution is that the applicant caught hold hand of the prosecutrix and stated that why she is not talking to him. It is further alleged that her arm was twisted and her hair was also caught.
3. Learned counsel for the applicant submits that even if the entire statement of the prosecutrix is taken as it is, essential ingredients of commission of offence of sexual assault as defined under Section 7 of the POCSO Act, 2012 are not made out because there is nothing to indicate that all this was done with any intent of sexual harassment.
4. On the other hand, learned counsel for the State opposes prayer and submits that the very act of the applicant in holding wrist of the prosecutrix, prima facie makes out a case that it was done with a sexual intent.

5. Taking into consideration the submission of learned counsel for the parties and the statement of the prosecutrix, I am inclined to protect the applicant, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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