

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4796 OF 2015**

Rupendra Sahu, aged about 21 years, son of Ram Kumar Sahu, R/o. Jangle Side, Banki Mongara, Tahsil Katghora, District Korba (CG)

---Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Banki Mongara, District Korba (CG)

---Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

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.92/2015, registered at Police Station-Banki Mongara, District-Korba (CG), for the offence punishable under Sections 354(A) of the IPC, Sections 4 & 8 of the PASCO Act and Section 3 (1) (xi) of the Schedule Caste/Schedule Tribe (Prevention of Atrocity) Act.

2. Case of the prosecution, in brief, is that, on 14.7.2015 the applicant sexually harassed the minor tribe child and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that offence under Section 354(A) of the IPC is bailable offence and there is no evidence to connect the present applicant in crime in

question. He would also submit that the applicant is in jail since 21.7.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that offence under Section 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 carries severe punishment and the applicant has sexually harassed the minor tribal child aged about 5 years and therefore, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and the manner in which the minor tribal child has been sexually assaulted by the applicant, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-