

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 256 /2016

Shambhu Bhardwaj, S/o. Pyarilal Bhardwaj, Aged About 27 Years, Caste-
Satnami, R/o. Village Chandrashekharapur Edu, Tahsil Dharamjaigarh,
District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Thana Chhal, District Raigarh,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajendra Tripathi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2016

1. Apprehending arrest in connection with Crime No.11/2016 registered at Police Station- Chhal, District Raigarh (C.G.) for the offence punishable under Section 456, 354(b)/34 of IPC & Section 8 of POCSO Act, 2012, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 11.02.2016 at about 9 O'clock, the prosecutrix was sleeping in her room, at that time, the applicant along with other co-accused entered into the house and thereafter tried to outrage her modesty, on having been objected the action, the victim/prosecutrix was assaulted whereby she sustained insized wound on her left hand.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the other co-accused has been arrested, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the victim, who is minor girl of 15 years. The positive statement has been made against the applicant also and during such incident when she resisted the applicant and other co-accused who tried to outrage her modesty, she sustained injury on her hand, which is supported by the medical evidence. Taking into totality of the case and the nature of allegation, it is not a case where the custodial interrogation of the applicant may not be required, therefore, I am not inclined to enlarge the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge