

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 421 of 2016

Krishna Murari Sharma S/o. Ramyad Sharma, aged about 54 years,
R/o. Kothiya House Chandranagar Colony, Raigarh, Police Station and
Post Chakradharnagar, Raigarh Civil and Revenue District Raigarh
(C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Chakradharnagar,
Raigarh District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Dr. Nirmal Shukla, Sr. Advocate along with Mr. Shivshankar Tiwari, Advocate
For Respondent/State	:-	Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04/05/2016

1. Apprehending arrest in connection with Crime No. 07 /2016 registered at Police Station – Chakradharnagar, Raigarh District Raigarh(C.G.) for the offence punishable under sections 354, 354 (क), 370 (क), 374 of the Indian Penal Code and section 7,8,16 & 17 of the Protection of Children from Sexual Offences Act, 2012.

2. As per prosecution case is that a report was made on 02.01.2016 that prior to 23.12.2015, two girls namely Madhuri Manjhi and Preeti Bhagariya were hired for domestic help in the house of the applicant K.M. Sharma and both the girls who were minor was subjected to torture and also K.M. Sharma used to commit sexual assault with them. It was

reported to the wife of K.M. Sharma, she used to abuse both the girls. Subsequently, the girls were taken away by Mahila Bal Kalyan Ashram and their statements were recorded and FIR was registered against the applicant.

3. Counsel for the applicant submits that Bal Kalyan Samiti people came at the behest of one Jassi Filip, who had enmity with the applicant, since, the applicant had refused to give house owned by him on rent. It is further contended that initially one complaint was made in the name of Ayonija Sharma to the Women Commission, Raipur which was forwarded to Superintendent of Police, wherein it was stated that the applicant used to torture her daughter and the as complaint was purported to be made by daughter. It is further contended that when the said complaint was inquired the daughter denied to have lodged any complaint to Police. Further, while making enquiry, the Enquiry Committee was satisfied that no offence is committed and while they were going back, they saw two girls were watching TV, they took them away and on 02.01.2016, a report was lodged. It is further submitted that the parents of the girls had volunteered to be employed in the house of the applicant for domestic help and the entire report was made against the applicant and the girls were tutored at the behest of Jassi Filip. It is further contended that the applicant has wife and major son in the house, like nature of offence could not have been committed. Therefore, counsel for the applicant prays that he may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the statement of the girls recorded under section 161 and 164 of Cr.P.C, prima-facie it appears that the allegations have been attributed to the applicant of sexual harassment.

Taking the nature of allegation levelled against the applicant, it is not the case where the benefit of section 438 of Cr.P.C. can be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh