

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 420 of 2016

Ram Bilas Hatkar S/o. Radhelal, aged about 35 years, Caste Aahirwar,
R/o. Village Mohgaon, P.S. Pandatarai, Tahsil Pandariya District
Kabeerdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station
Pandatarai, District Kabeerdham (C.G.)

---- Respondent

For Applicant	:-	Mr. Jitendra Shrivastava, Advocate
For Respondent/State	:-	Ms. Sunita Jain, P. L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04/05/2016

1. Apprehending arrest in connection with Crime No. 31 of 2016 registered at Police Station – Pandatarai, District Kabeerdham (C.G.) for the offence punishable under sections 354 (घ) of the Indian Penal Code and 7 and 8 of the Protection of Children from Sexual Offence Act, 2012. The applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief is that on 15.03.2016 the applicant followed the prosecutrix who was minor thereafter used some filthy language and sign, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant has been charged under sections 354 D of IPC and 7 and 8 of the Protection of

Children from Sexual Offence Act, 2012. However, the statement itself would show that there no physical contact was made in between the applicant and the prosecutrix ,therefore, section 7 & 8 of POSCO is not made out against the applicant. He further submits that the applicant may be arrested for the alleged commission of crime which is bailable offence, therefore, the applicant may be given the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perusal of the statement of the prosecutrix and her mother would shows that the applicant used to follow the prosecutrix since 25.03.2016 which continued and used filthy language and sign were given to the prosecutrix. Taking such statement and considering the case diary, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh