

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 896 of 2016

Shrijan Sharma S/o Late Shri Suresh Chandra Sharma, Aged About 19 Years R/o Shikshak Colony, Behind Green Garden, P. S. Civil Line, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Its Station House In - Charge, Sarkanda, P. S. Sarkanda, Tahsil & District Bilaspur, Chhattisgarh

---- Respondent

Shri Saurabh Sharma, counsel for the applicant/s.
Shri D.R.Minj, Dy.G.A. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/11/2016

Heard.

The applicant is apprehending his arrest in connection with Crime No.342/2016 registered at police station – Sarkanda, District – Bilaspur, CG for alleged commission of offence under Sections 341 and 354 of IPC and Section 9 (f), 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Case of the prosecution is that the applicant, for the last about one year, has been chasing the girl, minor in age and it is alleged that the applicant obstructed the girl, caught hold of her and forced to come along with him.

3. Learned counsel for the applicant submits that the allegations are exaggerated. It may be a case of a young boy proposing a girl, but the allegations are over-mounted only to harass the applicant. It is further submitted that offence under the POCSO Act is not made out and offence of stalking is bailable in nature.

4. On the other hand, learned State counsel submits that the statement recorded under 164 CrPC of the girl, *prima facie* case is made out because she is

only 16 years of age.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the age of the girl and overt act committed by the applicant, I am not inclined to grant anticipatory bail to the applicant. The application is therefore rejected.

6. However, at this stage, learned counsel for the applicant submits that the applicant is a young boy and on applicant surrendering, his application for regular bail may be directed to be considered on the same date.

Having considered that I am not inclined to grant anticipatory bail to the applicant, taking into consideration the totality of the circumstances, it is directed that in case, the applicant surrenders, his application for grant of regular bail shall be considered and decided by the Court below within two days.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge