

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.970 of 2016**

- Digambar Shandilya S/o Late Kanhaiyalal Shoudilya Aged About 48 Years R/o Gram Kaudikasa Tah. And Thana Ambagarh Chowki District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Thana Incharge, Police Thana Ambagarh Chowki Distt. Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Abdul Wahab Khan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/10/2016**

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.160/2016, registered at Police Station–Ambagarh Chowki, District Rajnandgaon for alleged commission of offence under Sections 354 of IPC, Section 3(2) (5-ka) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant, who is President of Shala Vikas Samiti caught hold of the prosecutrix, who is minor and dragged her to room in the School and expressed his love and also compelled to give her mobile number. It is further alleged that the applicant started giving phone calls to the prosecutrix.

4. Learned counsel for the applicant submits that the applicant is respectable inhabitant of the locality and President of Shala Vikas Samiti and he

is being falsely implicated at the instance of a journalist-Anish Puri Goswami. It is submitted that at the instance of this journalist, the prosecutrix has made false statement against the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail and submits that the prosecutrix, who is minor, in her diary statement as well as statement recorded under Section 164 Cr.P.C. before the Magistrate, clearly stated regarding she having been dragged to a room by the applicant and indecent proposal was made to her and also insisted to disclose her mobile number, which was followed by calls. Learned State counsel lastly submits that in these circumstances, the applicant is not entitled to bail.

6. Taking into consideration the nature of allegation and the contents of statement of the prosecutrix recorded under Section 164 Cr.P.C. before the Magistrate, I am not inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is rejected.

SD/-
(Manindra Mohan Shrivastava)
Judge