

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7479 of 2016

- Parmanand S/o Mangal Sai Aged About 23 Years R/o Village Katgodi, Police Station & Tahsil Sonhat, District Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Sonhat, District Korea, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

S. B. :Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2016

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.144/2015 registered at Police Station Sonhat, District Korea for the offence punishable under Section 354, 354(1)(A), 506-B, 323, 354(B)(D) of IPC and Section 7(D), 8, 11(i), (vi), (v) & 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant has been arrested on 26-12-2015.

3. Case of the prosecution is that while the prosecutrix was taking bath near village pond, the applicant dragged her with an intention to outrage her modesty. The prosecutrix is stated to be minor less than 18 years of age.

4. Learned counsel for applicant submits that even if the entire story of the prosecution is accepted as it is, the allegation of commission of offence under Section 354(B) of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 is not made out. It is submitted that till date, six prosecution witnesses have been examined, whereas other eight prosecution witnesses are yet to be examined. It is lastly submitted that the applicant has remained in jail

for a long time, therefore, in these circumstances, he may be granted bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail on the submission that in view of provisions contained in Section 354-B of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, where minimum sentence of three years is provided, the applicant is not entitled to bail.

6. In this case, the applicant is alleged to have committed offence under Section 354-B of IPC and amongst other allegations, as the prosecutrix happens to be minor, less than 18 years of age, the allegation of commission of offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012 is also alleged against the applicant and for both the offences, minimum sentence of three years is provided.

At the same time, the applicant has remained in jail for a period of one year and since one year, trial has not been concluded and about eight witnesses are yet to be examined.

7. Taking into consideration the totality of the circumstances stated above, at this stage, I am not inclined to grant bail.

8. Accordingly, the application is rejected. However, it is directed that the trial Court shall do well to conclude the trial within a period of three months from the date of receipt of a copy of this order. It is made clear that if the trial is not concluded within a period of three months, the applicant would be at liberty to approach this Court again.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E