

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 704 of 2016

Santosh Kumar Sahu S/o Shankar Sahu, Aged About 19 Years, R/o Village Pampapur (Jharpara), Thana - Surajpur, Tahsil - Ramanuj Nagar, District - Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Surajpur, District - Surajpur Chhattisgarh.

---- Respondent

For applicant –Shri Achyut Tiwari, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 261/2016 registered at Police Station Thana Surajpur, District Surajpur (C.G.) for offence punishable under Section 354 of IPC of I.P.C. and Section 8 of POCSO Act.

2. As per the prosecution case, on 5/06/2016 while the victim was returning back after answering call of nature, at that time applicant caught hold of her and dragged her to his house and thereafter tried to outrage her modesty.

3. Learned counsel for the applicant submits that applicant was not present in the spot at the relevant time which would be evident from the statement of Santosh Kumar Sahu and Krishna Prasad Sahu wherein applicant was present it is far away from the place of incident. He referred to the affidavit filed by two persons and would submit that applicant has been falsely implicated in this case. He further submits that story is completely improbable and at the relevant time at 8.30 everybody in the house would have been present, which would show that over a old land dispute, applicant

has been implicated in this case, therefore he may be granted benefit of anticipatory bail.

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

5. Perused the statement of the victim under Section 161 of Cr.P.C. After perusal of the statement, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE