

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2951 of 2016

Mehilal Nishad @ Kaliya S/o Ramsumiran Aged About 28 Years R/o Shop No. 469, Sec. 6 C Market, Police Station Bhilai Nagar Tehsil And District Durg, Civil And Rev. District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri S. K. Agrawal, Advocate
For Respondent/State	:-	Shri Law Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 200/2016 registered at Police Station- Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 354,342 of IPC and section 8 of Prevention of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 24.03.2016, the complainant coming along with her younger sister aged about 3 years the applicant caught hold of the hands of the complainant and dragged her to hut and pressed her neck and open her undergarments panty and tried to outrage her modesty, thereby the offence has been committed.'
3. Counsel for the applicant submits that the dispute arose between them for throwing of the garbage and the applicant has been falsely implicated in this case. He further submits that no incident has happened, therefore, the applicant may be enlarged on bail.

4. Counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim wherein she has stated the incident. The girl 13 years old girl. Taking into such statement and considering the age of the victim, without any observation on merit, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge

Santosh