

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7055 of 2017

Rakesh Gupta S/o Bharosa Gupta, Aged About 72 Years R/o Sakalo, Near Delhi Public School, P. S. Gandhinagar, At Present Alka Steel, Bauripara, District Ambikapur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

Shri Sunil Otwani, counsel for the applicant/s
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

The applicant has been arrested in connection with Crime No.268/2017 registered at Police Station – Gandhinagar, Distt. - Surguja (CG) for alleged commission of offences under Section 354, 363, 366 of IPC and Section 7 and 8 of the POCSO Act, Section 3 (2) (v) (A), Section 3 (1) (B) (i) (ii) of the Prevention of Atrocities against Scheduled Castes and Scheduled Tribes.

2. Case of the prosecution is that the applicant attempted to outrage modesty of the girl who is stated to be minor in age.
3. Learned counsel for the applicant submits that the prosecution story is false and fabricated. The applicant is 72 years of age. Further submission is that even the prosecutrix in her statement under Section 164 CrPC has not made any kind of specific allegation against the applicant.
4. On the other hand, learned State counsel opposes bail application and submits that the girl being minor in age, *prima facie* case is made out.
5. Taking into consideration the submission of learned counsel for the parties,

considering that investigation is complete, charge sheet has been filed, age of the applicant and further considering that the prosecutrix has not made any specific allegation of outraging modesty against the applicant in her statement under Section 164 CrPC, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge