

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8436 of 2016**

- Umendram S/o Ramkumar Yadav Aged About 22 Years R/o Village Bharari, Police Station Kota, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Acting Through Police Station Kota, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Kripesh G. Kela, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/01/2017**

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.245/2016 registered at Police Station Kota, District Bilaspur for the offence punishable under Section 354 of IPC, Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(X) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989. The applicant has been arrested on 25-11-2016.

3. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix, who is minor aged 13 years.

4. Learned counsel for the applicant submits that the public *borewell* is situated in front of house of the applicant and dispute arose between the applicant and the prosecutrix regarding fetching of water, as a result thereof, the applicant has been falsely involved in the offence by the prosecutrix. He submits

that the applicant is in jail since 25-11-2016 and the investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that in the statement of prosecutrix recorded under Section 164 Cr.P.C. before the Magistrate, she has clearly stated regarding overt act committed by the applicant in outraging modesty.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E