

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.647 of 2017

- Khurshid Kadri S/o Mohammad Suleman Kadri Aged About 28 Years (Wrongly Mentioned As Surshid), R/o Patepur, Police Station Patepur, District Vaisali, Bihar, Presently Residing At Subhash Chowk Mungbadi, Keshkal, Police Station Keshlal, District Kondagaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Keshkal , District Kondagaon, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Rakesh Pandey, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/02/2017

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.118/2016 registered at Police Station Keshkal, District Kondagaon for the offence punishable under Section 354, 452, 324, 506 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant entered into the house of the prosecutrix with an intention to outrage the modesty and burnt thigh part of the prosecutrix. The applicant was involved in stalking with the girl since long.

4. Learned counsel for the applicant submits that the applicant has not been identified. He submits that the manner, in which, the applicant has been identified by mother of the prosecutrix, was highly doubtful. It is submitted that the applicant is in jail since 10-11-2016. Therefore, at this stage, when investigation is complete and charge sheet has been filed and according to

prosecution story, prima facie case of commission of offence under Section 8 of the POCSO is only made out, therefore, he may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant was identified by the prosecutrix, when she was going along with her mother and upon enquiry, name of the applicant was disclosed and thereafter, named FIR was filed, in which, the prosecutrix has made serious allegation that when her parents were not in the house, the applicant entered into her house and burnt her thigh part and outraged the modesty of the prosecutrix, therefore, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties and considering the nature and gravity of allegation against the applicant, I am not inclined to grant bail to the applicant.

7. In the result, the application is rejected. However, in case, there is delay in trial, the applicant would be at liberty to revive his application.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E