

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1442 of 2017

Manoj Sah S/o Babu Lal Sah Aged About 25 Years R/o Village Bhawani Chhappr District Sivan, Bihar, Present Address Nehru Nagar Near Chaitens House Balco Police Station Balco Nagar District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Korba, Chhattisgarh Police Station Balco Nagar, Korba District Korba, Chhattisgarh.

---- Respondent

Shri S.V.Purohit, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

Heard.

The applicant has been arrested in connection with Crime No.317/2016 registered at Police Station – Balco Nagar, Korba, Distt. - Korba (CG) for alleged commission of offences under Section 354 (क) of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution is that the applicant outraged the modesty of the prosecutrix on more than one occasion by chasing her inside the toilet.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that there is no eye witness of the incident. The records placed are not conclusive with regard to the prosecution case of prosecutrix being less than 18 years of age. He also submits that though the incident happened at 7 AM, FIR was lodged at 7 PM. Therefore, it is a case of false implication. It is further submitted that investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the statement of the prosecutrix under Section 164 CrPC has been recorded by the Magistrate, particularly the contents of charge sheet show that not only once, but on more than one occasion, the applicant outraged her modesty and on second occasion, he chased her inside the toilet and committed offence of outraging her modesty. Therefore, the applicant is not entitled to grant of bail.

5. Considering the nature and extent of alleged commission of offence, particularly taking into consideration the statement of the prosecutrix under Section 164 CrPC, I am not inclined to grant bail to the applicant at this stage. The application is, therefore, rejected. However, the applicant would be at liberty to revive this application, in case, there is undue delay in completion of trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge