

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1421 of 2016

Madhav Prasad Patel S/o Jagdish Prasad Patel Aged About 32 Years R/o Village Kandurpali, Police Station Sariya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

Shri Raghvendra Pradhan, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/01/2017

Heard.

The applicant is apprehending his arrest in connection with Crime No.151/2016 registered at police station- Sariya, District - Bilaspur, CG for alleged commission of offence under Sections 354 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short ' the POCSO Act').

2. Case of the prosecution is that the applicant, who happened to be the Principal of the school of the prosecutrix who is minor in age and it is alleged that indecent proposal has been made and outraged her modesty by catching hold of her.

3. Learned counsel for the applicant submits that the applicant is being falsely implicated. The complainant happens to be a member of the School Education Committee and there was a dispute between the applicant and the concerned member and that the said member was insisting upon the applicant to give better marks to his daughter in the practical exam and the applicant refused to succumb

to his proposal and therefore, falsely implicated him by lodging report on 08/11/2016. He also submits that number of teachers and staffs of the school have supported the case of the applicant that on the alleged date of incident, the applicant was not present in the school but he had gone to Raigarh.

4. On the other hand, learned State counsel submits that the girl in her statement under Section 164 CrPC has clearly stated regarding the act of the applicant and at this stage, prima facie case is made out because in the diary statement of the Peon of the school, he has stated that the prosecutrix was called by the applicant in his chamber on the alleged date of incident.

5. In view of above, I do not find it a fit case for grant of anticipatory bail. The application is therefore rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge