

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1068 of 2018**

- Rajkumar Patil S/o Late Mohan Lal Patil Aged About 33 Years R/o- Ward No. 6, Ahiwara, Police Station- Nandani, Tahsil- Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

- The State Of Chhattisgarh Through- Station House Officer, Police Station Nandani, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

**---- Respondent**

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| For Applicant  | : | Mr. Amit Kumar Sahu & Mr. R.K. Pali,<br>Advocate. |
| For Respondent | : | Mr. Ashok Swarnkar, Panel Lawyer.                 |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**18/09/2018**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.186/2018 registered at Police Station- Nandani, District – Durg(C.G.), for the offence punishable under Section 354 of the Indian Penal Code (for short 'IPC') and Section 8 POCSO Act.
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question, on account of the previous enmity with family of the victim. The applicant had lodged FIR against his brother Ajay Patil on 24.1.2018, on that basis offence under Sections 294 & 323 of IPC were registered against him.

Similarly he had lodged FIR against the mother of the victim on 1.7.2018, on the basis of which offence under Section 294 & 323 of IPC was registered and he had also lodged a complaint against his brother and sister-in-law on 25.6.2018 in the police-station praying for action against them. As a counter blast, this false FIR has been lodged by this victim in this case against the applicant making false allegation. Hence, it is prayed that he may be benefited with grant of anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that looking to the statement given by victim, it is a clear case made out against the applicant regarding the commission of offence under Section 354 of IPC. Hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The victim in this case of age about 13 years and according to the FIR lodged by her, on the date of incident when she was alone in her house, the applicant caught hold her and was touched her body parts with intention to outrage her modesty. The mother of victim came on the spot and intervened. In her statement under Section 164 of CrPC, the victim has stated that the applicant had outraged her modesty on one earlier occasion also.
6. Considered the nature of allegation against this applicant and the evidence in this case, I do not feel inclined to grant anticipatory bail to this applicant.
7. Accordingly, the anticipatory bail application of applicant is rejected.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge