

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1496 of 2018

- Shailesh Masih S/o Sant Masih, Aged About 43 Years, R/o Jyotipur, Gourela, P.S. Gaurela, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Gaurela, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Yogendra Chaturvedi, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-12-2018

1. Apprehending arrest in connection with Crime No.263/2018, registered at Police Station – Gaurela, District Bilaspur, Chhattisgarh for offence punishable under Section 376, 506 of the IPC and Section 6, 8 of POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had never committed the offence as it is alleged by the prosecutrix. The mother of the prosecutrix is a person of doubtful character, to which this applicant has raised objection on a number of occasions, therefore, a totally concocted and improbable story has been brought-forth in the FIR lodged. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is minor and she has made clear and categorical statement against the applicant for commission of offence as alleged, hence, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. It is a case in which 15 years old minor who was ward of this applicant

was being subjected to sexual intercourse by this applicant by putting her under threat and thus has exploited her on a number of occasions. Hence, this case.

6. After considering nature of the allegation and the case against his applicant, I do not feel inclined to allow this application.

7. Consequently, the application filed by the applicant under Section 438 of the CrP.C. for grant of anticipatory bail is hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge