

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 339 of 2019

- Chandan @ Golu Gupta S/o Rajendra Prasad Gupta, Aged About 22 Years, Caste Halwai, R/o Awas Plot Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ishwar Jaiswal, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

13-03-2019

1. Heard on the application for grant of anticipatory bail.
2. This application has been filed by the applicant under Section 438 of the Cr.P.C. in connection with Crime No.155/2018, registered at Police Station Dabhara, District Janjgir-Champa, C.G.
3. The applicant is accused of offence under Section 354(D) of the IPC which is a bailable offence according to First Schedule of the Criminal Procedure Code (in short 'the Cr.P.C.'). Another offence for which the applicant is accused is under Section 12 of Protection of Children from Sexual Offences Act (in short 'the POCSO Act') which is punishable maximum upto 3 years. Section 31 of the POCSO Act provides that provisions of the Cr.P.C. shall be applicable in the matter of POCSO Act. According to the Schedule of the Cr.P.C., the offences which are punishable less than 3 years shall be bailable, therefore, for the reason that the offences registered against the applicant are bailable in nature, hence, the application under Section 438 of the Cr.P.C. is not maintainable, which is dismissed and disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge