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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 923 of 2019

- Shubham Thakur S/o Suresh Thakur, Aged About 14 Years, through legal guardian Anju Thakur (Mother) W/o Suresh Thakur, Up-Swasthya Kendra- Pathargarhi, Police Station Pathariya, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Pathariya, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Atul Kumar Kesharwani, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

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

10-07-2019

1. Apprehending arrest in connection with Crime No.71/2019, registered at Police Station – Pathariya, District Mungeli, Chhattisgarh for offence punishable under Section 341, 354 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (in short '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. No case is made out against the applicant for commission of offence under Section 354 or Section 8 of POCSO Act, according to the evidence present in the case diary. The applicant is a juvenile in conflict with law. Therefore, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that on the date of incident this applicant caught hold of the victim and took her to a nearby place and made proposition, because of which this FIR has been lodged.
6. Earlier, the Division Bench of this Court has decided in MCRCA No.549

of 2016 (Sudhir Sharma Vs. State of C.G.) by order dated 03-03-2017 that the application of juvenile under Section 438 of the Cr.P.C. is maintainable. Therefore, after considering facts and circumstances of this case and also juvenility of the applicant, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge