

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1501 of 2019

- Neeldhuj Dahariya S/o Shri Bisahu Dahariya Aged About 55 Years
R/o Village Bhaismudi, Police Station Kharora, District Raipur
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of
Police Station - Kharora, District - Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rekhraj Baghel, Advocate.
For Respondent/State	: Ms. Seema Dixit, P. L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 329/2019, registered at Police Station Kharora, Distt. Raipur (C.G.) for the offence punishable under Sections 363 & 377 of the IPC and Section 6 of the POCSO Act.
2. As per prosecution story, on 17.08.2019 one Budhram Markandey lodged a report in concerned police station alleging therein that on 16.08.2019 at about 2 PM, the applicant abducted the minor son of the complainant, allegedly, he entered his penis into his mouth and committed unnatural sexual intercourse with him. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the

present case. At the instigation of some people, he lodged a false report against the applicant. He further submits that the complainant made an affidavit in which he admitted the fact that angrily he lodged a report against the applicant, no incident has been occurred with his son. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the said incident was witnessed by two witnesses. Without further commenting on other merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge