

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9618 of 2018

- Manoj Kumar Ogre S/o Late Ramji Ogre Aged About 35 Years R/o Ward No. 12 ,block Colony Pamgarh ,police Station District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer , Pamgarh , district Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Ajay Ayachi, Advocate.
For Non-applicant	: Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 154/2018 registered at Police Station – Pamgarh, district Janjgir-Champa (C.G.) for the offence punishable under Sections 354 (A-C), 509, 34 of the Indian Penal Code and 8 of the POCSO Act.
3. Case of the prosecution, in brief is that prosecutrix is about 17 years old and resident of village Pamgarh. On 28/06/2018 when the prosecutrix was in her shop, applicant reached there at about 1:00 pm removed her towel and put off his underwear, she objected then he caught hold her hand.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that 8 criminal cases have been registered against the applicant, out of which 7 are under CrPC and 1 is under IPC.
6. Counsel for the applicant further submitted that as per the statement of the prosecutrix recorded under Section 164 CrPC, applicant was sitting in the car, no person would sit in a car wearing underwear, the brother of the prosecutrix had beaten applicant by stick. In these circumstances, the applicant may be released on bail.
7. Looking to the facts and circumstances of the case, looking to the fact that 8 other criminal cases are registered against the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE