

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.465 of 2020

Ajeet Kumar Gupta S/o Laxmi Prasad Gupta Aged About 36 Years
Caste- Teli, Occupation Rojgar Sahayak, R/o Village Jhiki, Police
Station Bagicha, District- Jashpur, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Bagicha,
District- Jashpur, Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. A.K. Shukla, Advocate.
For Respondent/State	:	Mrs. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.13/2020 registered at police station – Bagicha, District Jashpur (C.G.) for alleged commission of offence under Section 354 of IPC and Section 7 & 8 of Protection of Children from Sexual Offences Act & Section 3(2)(5A) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution is that the prosecutrix, a minor, tribal girl was dragged by the applicant in his house and her modesty was outraged which led to filing of report.

3. Learned counsel for the applicant would submit that present is a case of false implication because of election dispute. He submits that prior to lodging of FIR by the prosecutrix, the applicant lodged report in the police station on many occasions alleging that a group of persons had attacked him and assaulted him and his family members. He further submits that the prosecutrix has been, later on, brought into the picture to lodge false report against the applicant in the ongoing dispute in the village.

4. On the other hand, learned counsel for the State opposes the prayer and submits that specific report has been lodged by the prosecutrix that while she was going, the applicant called her in his house and when she did not

accept the offer, she was forcibly dragged in his house and her modesty was outraged by doing indecent act with private parts. Learned State counsel further submits that companion of the prosecutrix has also stated in her statement under Section 161 Cr.P.C. and has also supported the prosecutrix's allegation in her statement under Section 161 Cr.P.C.

5. Taking into consideration the nature of allegation and what has stated by the prosecutrix and also by her companion/Dumni and that age of the prosecutrix is less than 18 years, present is not a case for grant of anticipatory bail. The bail application is rejected.

6. At this stage, learned counsel for the applicant submits that the Court below may be directed to consider application for grant of regular bail on the same day.

7. Taking into consideration the submission, in case, the applicant surrenders and applies for grant of regular bail, his application shall be considered and decided as early as possible and in any case, not later than three days.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha