

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4499 of 2020**

- Rajesh Choudhary Sahu S/o Shri Mahendra Sahu Aged About 35 Years
Caste - Sodhi, R/o Village Lavakera, Police Station Tapkara, District
Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station
Tapkara District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicant : Shri Arun Kumar Shukla, Advocate
For Respondent/State : Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/09/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.58/2020 registered at Police Station Tapkara, District Jashpur for the offence punishable under Section 354(A)(D), 294, 506-B of the IPC and Section 12 of POCSO Act. The applicant was arrested on 22-06-2020.
2. Prosecution case is that the present applicant outraged modesty of the prosecutrix and her sister.
3. Learned counsel for the applicant submit that as is evident from the report lodged by father of the prosecutrix, there is illicit relation between the applicant and the mother of the prosecutrix and therefore, father of the prosecutrix has filed report against the applicant, a false story of outraging modesty of minor girl is being levelled.
4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the applicant is a habitual offender and against him, as many as 12 criminal cases have been registered. He would further submit that the statement of the prosecutrix and her sister recorded

under Section 164 of Cr.P.C. prima facie made out a case that the applicant had been not only harassing the prosecutrix and her sister, but also outraged modesty by squeezing her breast on an earlier occasion.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix and her sister recorded under Section 164 of Cr.P.C., the present is not a fit case for grant of bail.

6. Accordingly, the bail application is rejected.

SD/-
(Manindra Mohan Shrivastava)
Judge