

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 987 of 2020**

- Malikram, S/o Shri Maniram Aged About 35 Years Caste Satnami R/o Village Chandai, PS and Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****09/10/2020**

Heard through video conferencing.

1. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 414/2020 registered at Police Station Sarangarh, District Raigarh, (C.G.) for the offence punishable under Sections 354, 454 of I.P.C. and Section 8 of POCSO Act.
2. In the present case, age of the prosecutrix is about 14 years. According to the case of the prosecution, on 26.6.2020 at about 11.55 PM when prosecutrix/complainant was going to attend the call of nature towards back side of her house, she saw present applicant

standing at the back side of her house. It is alleged that applicant was standing there with wrong intention and he caught hold the hands of the prosecutrix and used criminal force with intention to outrage the modesty of the prosecutrix. Matter was reported by the prosecutrix/complainant and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to previous dispute with the brother and family members of the complainant. He further submits that virtually on the date of incident itself at around 5:30 PM, a quarrel took place between applicant's niece and the prosecutrix. Thereafter, a false and fabricated report was lodged by the prosecutrix. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the contents of the FIR, statement of the prosecutrix recorded under Section 164 of Cr.P.C., I find sufficient material available against applicant, further considering the nature of offence and the age of the prosecutrix, in my considered opinion, I am not inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash