

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1107 of 2020

Sukhnandan Yadav S/o Mahasingh Yadav Aged About 32 Years R/o
Kali Mandir, Awas Para, Khamtarai, P.S. Sarkanda, District- Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Sarkanda, District-
Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28.09.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.668/2020, registered at Police Station: Sarkanda, District: Bilaspur (C.G.) for the offence punishable under Section 354 of IPC and Section 07 & 08 of POCSO Act.
3. In this case, the prosecutrix is a girl aged about 16 years. According to the case of prosecution, on 11.07.2020, a report was lodged by the father of the prosecutrix against the present Applicant to the fact that, on 10.07.2020, at around 08:00 P.M., when the prosecutrix gone to take water from the nearby hand-pump, at that time, the present Applicant came there and asked her that why she is not talking with him. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is falsely implicated in the present case due to previous enmity with the father of the prosecutrix. Virtually on 10.07.2020, dispute took place between both the parties and Applicant dialed 112 and called the police. Thereafter, police reached the spot and stopped the dispute took place between them. Thereafter, false and fabricated report has been lodged by the father of the prosecutrix. Learned counsel further submits that if the entire case of the prosecution is taken as it is, no offence under Section 354 and Section 07 & 08 of POCSO Act can be made out against the present Applicant. Material regarding assault and criminal force are totally missing in this case, therefore, he prays for grant of anticipatory bail to the Applicant.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after perusal of contents of FIR as well as statement of prosecutrix recorded under Section 164 of Cr.P.C. without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh