

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6738 of 2020

Bhameshwar Sahu S/o Chatur Das Aged About 21 Years R/o Village Khamhardih, P. S. And Tehsil Khairagarh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Rajnandgaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rakesh Pandey, Advocate
For State	:	Shri Gagan Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/10/2020

Heard.

1. This is the second bail application on behalf of applicant. The applicant is arrested in connection with Crime No.246/2020 registered at Police Station – Khairagarh, District - Rajnandgaon (C.G.) for alleged commission of offences under Section 354-B, 451 of IPC and Section 3 and 4 of POCSO Act.
2. Prosecution case is that when the prosecutrix, a minor, was all alone at home, the applicant entered and outraged her modesty.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated because of family rivalry. He would next submit that no case under Section 354-B or even under Section 451 of IPC or under Section 3 or 4 of POCSO is made out because it is not a case of assault or using criminal force with intention to disrobe or compel the prosecutrix to be naked. It is next submitted that the applicant is in jail

since last three months and as the maximum punishment which could be awarded is five years, there is no necessity of further custodial interrogation.

4. On the other hand, learned State counsel opposes and submits that the prosecutrix, as per material on record of the case diary, was less than 18 years of age. A prompt FIR was lodged in which it has been alleged that the applicant, taking undue advantage of the prosecutrix alone, entered the house and then caught hold of her and outraged her modesty by squeezing her breast.
5. Considering the submissions made by learned counsel for the parties, considering the nature of allegation, at this stage, no case is made out for grant of bail. However, the applicant would be at liberty to revive bail application after two months.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge