

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1828 of 2019**

1. Ajay Kumar Dubey, S/o Late Parasnath Dubey Aged About 35 Years R/o Village Suinara, Police Outpost Bundeli, Police Station Tendukona, District Mahasamund, Chhattisgarh.
2. Makhan S/o Chhabilal Aged About 27 Years Caste - Gond, R/o Village Suinara, Police Outpost Bundeli, Police Station Tendukona, District Mahasamund, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Tendukona, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Shri Surfaraj Khan, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**04/02/2020**

1. The applicants have preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 114/2019 registered at Police Station Tendukona, District Mahasamund, (C.G.) for offence punishable under Sections 294, 323, 506, 454, 354, 34 of Indian Penal Code and Section 8 of POCSO Act.
2. Facts of the case, in brief, is that on 12.10.2019 around 1:00 PM when victim/prosecutrix was sleeping in her house alongwith her sister,

allegedly, both the applicants entered in her house and caught hold of her hand thereafter, tried to outrage her modesty. When grandfather and sister of the prosecutrix intervened in the matter, then applicants thrust them also. Thereafter, applicants grabbed the prosecutrix hair and took her at the crossroads of the village and committed mar-pit with her. Around 7:00 PM, when father of the prosecutrix came for rescue, then applicants also threatened him for life. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute. He further submits that *prima facie*, no offence under Sections 354, 454 of I.P.C. and Section 8 of POCSO is made out against present applicants and except these offences all other offences are bailable. It is further submitted that the applicants have not caught hold the prosecutrix to outrage her modesty. Looking to the above, it is prayed that applicants may be released on anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application and submits that there is sufficient material available on record against the applicants which shows that applicants have caught hold the prosecutrix, grabbed her hair and thereafter, assaulted her in the village crossroads. Therefore, anticipatory bail application of the applicants should be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.

6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and also, there is sufficient material available against the applicants therefore, I am not inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge