

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 5610 of 2021**

- Niranjan Yadav son of Shri Surat Yadav, aged about 21 years, caste Rawat, Occupation Agriculture/ labourer resident of Village Amoda, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO Police Station Baramkela, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Roop Naik, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge*(proceedings through video conferencing)***ORDER****03/09/2021**

1. Heard.
2. Prosecutrix is present in person before this Court through virtual mode from District Legal Services Authority, Raigarh.
3. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 163/2020 registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Sections 454, 354 of IPC and Section 8 of POCSO Act.
4. Case of the prosecution is, that on 24.05.2021, when prosecutrix was alone in her house at about 08: 00 am, present applicant entered into her house and tried to outrage her modesty. When prosecutrix asked her to leave he did not leave her and continued with his act upon which prosecutrix screamed. Listening the scream brother of prosecutrix who was returning from agricultural field entered the house and found that applicant was misbehaving with prosecutrix. Applicant was caught hold in the house of prosecutrix and thereafter *kotwar* and other villagers were called. Report was lodged, based upon which instant crime was registered against applicant.

5. Mr. Roop Naik, learned counsel for the applicant submits that applicant has not committed any offence as alleged against him but he has been implicated in the crime due to enmity. Charge-sheet has been filed and applicant is in jail since 25.05.2021.
6. Mr. Vaibhav Singh, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that there are clear allegation against applicant that he entered into the house of prosecutrix when she was alone in the house while her parents went to the agricultural field. Applicant has tried to outrage modesty of complainant/ prosecutrix and upon her scream her brother who was returning from agricultural field entered into house quickly and found the applicant misbehaving with her sister (prosecutrix). He also submits that applicant was caught red handed, thereafter, kotwar and other villagers were called. Age of prosecutrix on the date of incident was less than 15 years, hence, applicant is not entitled for grant of bail.
7. Prosecutrix who is present in person before this Court through virtual mode objects in grant of bail to applicant.
8. I have heard learned counsel for the respective parties.
9. Taking into consideration the nature of allegation levelled against applicant, the fact that applicant entered into the house when parents of prosecutrix were in their agricultural field, prosecutrix was alone in her house and tried to outrage her modesty; age of prosecutrix to be less than 15 years, I do not find it a fit case to grant bail to applicant.
10. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge