

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1466 of 2020**

- Hemant Kumar Sahu, S/o - Sewakram Sahu, Aged About 26 Years, R/o- Village - Amarpur, Police Station & Tehsil - Pendra, District - Gourela-Pendra-Marwahi, (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through - S.H.O. Police Station - Pendra District - Gourela-Pendra-Marwahi, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Adv.
For Respondent/State	: Mr. Raghvendra Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.03.2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 161/2020 registered at Police Station- Pendra, District- Gourela-Pendra-Marwahi (C.G.) for commission of the offence punishable under Sections 363, 354, 354(B), 506, 376/511, 34 of IPC & 4,6 of POCSO Act.
2. Case of the prosecution is that, it has been alleged that on 02.09.2020, two accused persons took the prosecutrix on motor cycle and then called another accused person and where they were tried to outrage the modesty of the prosecutrix and were taking some obscene photographs of her. Based on this, offence was registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the present applicant was not present at the time of commission of offence, therefore, the

present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on anticipatory bail.
6. Accordingly, his anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi