

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1209 of 2021**

Dujram Patel, S/o Lal Bahadur Patel, Aged about 32 Years, R/o Village –
Chaple Tah. & P.S. Kharsia, Distt. - Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through : P.S. - Kharsia, Distt.- Raigarh (C.G.)

---- Non-applicant

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate
For Non-applicant	:	Mr. Roshan Dubey, PL

Hon'ble Shri Justice N.K.Chandravanshi**Order On Board****18/10/2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 520/2021 registered at police station Kharsia, Distt. - Raigarh (C.G.) for the offences punishable under Section 354 of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 24.08.2021 when victim/prosecutrix went to the house of applicant to give vegetables and when after taking vegetables from the victim, mother of the applicant went inside the kitchen, then applicant came there and caught hold the victim from her backside and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that there is delay of two days in lodging the First Information Report and there is no medical report of the victim/prosecutrix to support the case of the prosecution, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State would submit that FIR has been lodged on the next date of the incident, therefore, there is no delay in lodging the FIR. He also submits that since the applicant has caught hold the victim/prosecution from her backside, therefore, there is no need of medical evidence because it is a case of sexual assault only.

(5) Considered the submissions made by counsel for both the parties.

(6) As per case diary, victim/prosecutrix had gone to the house of the applicant to give vegetables and when after taking vegetables from the victim, mother of the applicant went inside the kitchen, the applicant caught hold the victim prosecutrix from her back side.

(7) Looking to the facts of the case and the manner in which the offence is said to have been committed by the applicant with the minor prosecutrix, I am not inclined to extend the benefit of anticipatory bail in favour of the applicant. Thus, the application for grant of anticipatory bail is rejected.

Sd/-
(N.K.Chandravanshi)
Judge