

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1210 of 2021**

Geetaram @ Dashrath Sahu S/o Faguram Aged About 26 Years
Resident Of Village Khujha, Police Station City Kotwali, District
Mungeli (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police
Station City Kotwali, District Mungeli CG

---- Non-Applicant

For Applicant : Shri Amit Kumar Sahu, Adv.
For State/Non-Applicant : Shri Shrikant Kaushik, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25-11-2021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 291/2021 registered at Police Station City Kotwali, Distt. Mungeli (CG) for the offence punishable under Sections 354, 451, 506 of the IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act (in short 'POCSO Act').

2. Brief facts of the case are that applicant entered into the house of minor victim/prosecutrix by jumping from wall, tried to outrage her modesty and also threatened to kill her if she discloses about the incident to anyone. Based on above facts, present FIR was registered against the applicant in City Kotwali, Distt. Mungeli under Section 354, 451, 506 of the IPC and Section 4 and 6 of the POCSO Act.

3. Counsel for the applicant submitted that the applicant is innocent and falsely implicated in the crime. He submits that earlier also the victim/prosecutrix had lodged FIR against the applicant under Section 363, 366 and 376 of the IPC and Section 4 and 6 of the POCSO Act, in which he has been granted bail by the Special

Judge, POCSO Act, Mungeli. In that case, compromise has taken place between both the parties and thereafter, the victim/prosecutrix has again filed present FIR against the applicant, which itself shows that it is false and baseless. Hence, the anticipatory bail application be allowed.

4. On the contrary, learned State counsel opposed the application for grant of anticipatory bail and submitted that after about 5 month from getting bail in ST No. 5/2021, the applicant has again committed present crime with the victim/prosecutrix, who is a minor girl. Looking to the previous conduct of the applicant, nature and gravity of the offence, he is not entitled to be enlarged on anticipatory bail.

5. Heard learned counsel for both the parties, perused the case diary and material on record.

6. Considering the facts and circumstances of the case, earlier conduct of the applicant and the manner in which present crime was committed, I do not find present case to be a fit case for grant of anticipatory bail.

7. Accordingly, instant application under Section 438 of Cr.P.C. is rejected.

Sd/-
(N.K. Chandravanshi)
JUDGE