

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7808 of 2021**

- Shubham Yadav, S/o Rekhuram Yadav, Aged About 19 Years, R/o Ward No. 06, Chikhali, Near Rama Bazar, Police Station, Out Post Chikhali, Tahsil And District- Rajnandgaon, Chhattisgarh ---- **Applicant (In Jail)**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Out Post Chikhali, Police Station City Kotwali Rajnandgaon, District- Rajnandgaon, Chhattisgarh ---- **Respondent**

For Applicant	: Shri Pramod Ramteke, Advocate
For Respondent/State	: Smt Hamida Siddiqui, Deputy AG

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**17.11.2021**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.552 of 2021 registered at Police Station Out Post Chikhali, City Kotwali, District- Rajnandgaon, Chhattisgarh for the offences punishable under Sections 354, 354(D) of the IPC and Sections 11 and 12 of POCSO (Protection of Children from Sexual Offences) Act, 2012.
2. Case of the prosecution is that on 07.09.2021 at about 8.30 pm applicant stalking prosecutrix, caught hold of her and has made an attempt to make her sit on his Motorcycle forcibly. He also used abusive words. Six months prior to the incident also, father of prosecutrix has advised applicant not to indulge in the activity of stalking his daughter. As per allegations, applicant asked for sexual favour from prosecutrix. Incident was reported to concerned Police Station, based upon which aforementioned crime was registered against applicant.
3. Shri Pramod Ramteke, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. He has been

falsely implicated in the crime registered. Applicant is in jail since 08.09.2021. Hence, he may be enlarged on regular bail.

4. Smt Hamida Siddiqui, learned counsel for the State opposing the submission made by learned counsel for the applicant, submits that act of applicant asking for sexual favour from prosecutrix is serious offence, when age of prosecutrix is only 13 years. As per allegation, applicant was cautioned earlier also, for similar nature of offence against prosecutrix. There are as many as three other criminal antecedents registered against applicant, which are of 2020 and 2021, one of which is for offences under Sections 506, 323, 294 IPC. Hence, he is not entitled for bail.

5. Prosecutrix along with her father appeared through virtual mode from DLSA Rajnandgaon. Both of them stated that they have no objection for granting bail to applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant, age of prosecutrix and further, earlier act of applicant as well as criminal antecedents against him as stated by learned State counsel, I do not find it to be a fit case to enlarge applicant on bail at this stage.

8. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE