

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8408 of 2021**

- Kishan Yadav Gendlal Yadav Aged About 29 Years R/o Indra Nagar Kurud Police Station Kurud, District Dhamrti Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh Through Station House Officer, Police Station Kurud, District Dhamtri, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Arun Kumar Shukla, Advocate
For Non-applicant	: Mr. Arjit Tiwari, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****06/12/2021**

1. 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. 324/2021 registered at Police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Section 354, 342, 506 of IPC & Section 8 of POCSO Act.
2. As per case of prosecution, on 04.09.2021, at about 12:05 am in the night, when prosecutrix was sleeping in Civil Hospital, Kurud, where her father was admitted for his treatment. Applicant called her outside stating wrong fact that her father fell down in the course of answering nature's call. Prosecutrix immediately accompanied applicant. Applicant indicating at the dark place stating that her father is there and when she went there, applicant caught hold of her, gagged her mouth and tried to outrage her modesty. When she tried to save herself, applicant dragged her little far and demanded sexual favour. Prosecutrix somehow escaped from the place and lodged report. Based on which, aforementioned crime is registered against applicant and he was arrested on 05.09.2021.
3. Mr. Arun Kumar Shukla, learned counsel for applicant submits that applicant has been falsely implicated in the crime, no such

incident has happened at any point of time. He further submits that applicant is in jail since 05.09.2021, hence, he may be enlarged on regular bail.

4. Mr. Arjit Tiwari, learned State counsel, while opposing the submission made by learned counsel for the applicant, submits, that allegations against present applicant are serious in nature. He called the prosecutrix by narrating false fact that her father fell down while she was sleeping in the hospital where her father was admitted for his treatment and tried to outrage her modesty in the midnight, hence, applicant is not entitled for grant of bail. In support of his contention, he read-over the statement of prosecutrix recorded under Section 161 and Section 164 of CrPC. He further submits that test identification parade has been done on 17.09.2021 in which prosecutrix identified applicant.
5. Prosecutrix is present before this Court along with her father through virtual mode from District Legal Services Authority, Dhamtari. She submits that she is having strong objection in grant of bail to applicant.
6. I have heard learned counsel for the respective parties.
7. Having regard to the facts and circumstances of the case, nature of allegations, the manner in which the aforementioned offence alleged to have been committed by applicant in the midnight and further the statement of prosecutrix recorded under Section 161 & 164 of CrPC, I do not find it to be a fit case to enlarge applicant on bail.
8. Accordingly, this application for grant of bail stands rejected.

Sd/-
(Parth Prateem Sahu)
 Judge