

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case (A) No.407 of 2015

Bihari Lal, S/o Late Ghasiya Dau Banjare, aged about 52 years, R/o New Police Line, Durg, Chowki Padamnabhpur, Durg, Police Station and District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through: The District Magistrate, Tahsil and District Durg, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Jitendra Gupta, Advocate.
For Non-applicant:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/07/2015

1. Apprehending arrest in connection with Crime No.2/2015, registered at Police Station Amleshwar, Distt. Durg, for the offence punishable under Sections 354A (1), 354 (D) (1) and 456 of the IPC, the applicant has filed this application under Section 438 of the CrPC for grant of anticipatory bail.
2. This is the second bail application filed on behalf of the applicant for grant of anticipatory bail. First bail application has been dismissed as not maintainable vide order dated 24-3-2015 passed by this Court in M.Cr.C.(A)No.107/2015.
3. Case of the prosecution, in brief, is that on 2-1-2015 at 10.30 p.m., the applicant trespassed the house of the victim / first informant and outraged her modesty.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated. By order

dated 24-3-2015, offence charged against the applicant under Sections 354A (1) and 354D (1) of the IPC have been held to be bailable and his bail application was dismissed as not maintainable, and thereafter, while filing challan on 30-4-2015, offence under Section 456 of the IPC has been inserted in order to arrest the applicant in non-bailable offence. In fact, the victim is in the habit of making false complaint which is apparent from Annexure A-3 nakal jaream issued by the competent authority. The applicant is working as Moharir in Police Station Amleshwar, Durg and as such, he is entitled to be granted anticipatory bail.

5. Learned State counsel would oppose the application and submit that Section 456 of the IPC was inserted at the time of filing charge sheet on 30-4-2015.
6. Taking into consideration the fact that offence under Sections 354A (1) and 354D (1) of the IPC are bailable as recorded in the order sheet dated 24-3-2015, offence under Section 456 of the IPC has been inserted against the applicant while filing charge sheet on 30-4-2015 as such false implication cannot be ruled out, considering the nature of dispute and document brought by the applicant, particularly taking into account that the applicant is a Government servant working in the Police Station and the nature of dispute brought by the victim / first informant to the police station, I am of the opinion that it is a fit case in which the applicant should be granted anticipatory bail. Accordingly, the application is allowed.
7. It is, therefore, directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned investigating / arresting officer. The applicant shall also abide by the following conditions: -

1. He shall make himself available for interrogation before the concerned arresting / investigating officer as and when required.
2. He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
3. He shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
4. He shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge