

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1194 /2015

Bhim Pratap Singh, S/o. Shri Manharan Singh, Aged About 55 Years,
Hand-Pump Technician, Department P.H.E. & R/o. Village Sonthi, P.S.
Seepat, District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station- Seepat, District
Bilaspur (Chhattisgarh).

---- Respondent

For Applicant : Mr. Somnath Verma, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. Apprehending arrest in connection with Crime No.240/2015 registered at Police Station- Seepat, District Bilaspur (C.G.) for the offence punishable under Section 354 & 456 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the applicant on the intervening night of 26.-27.10.2015 entered into the room of the victim while she was sleeping alongwith her children and husband and thereafter the applicant caught hold of her wrist and closed her mouth whereby she got up and she resisted then the applicant fled away from the scene.
3. Learned counsel for the applicant submits that the applicant is in relation with the victim and because of fact the daughter of the victim had love affair with one Subhash Bhardwaj and the applicant being the head of the family tried to make her understand and having objected, the report has been made. It is further submitted

that the victim was also cautioned by the society for her conduct and he relied on the document of the Mouwar Samaj Chhattisgarh filed alongwith this application. He further submits that because of the head of the family, the applicant tried to control the activities, therefore, he has been falsely implicated in this case.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail and he submits that the report was made by the victim and her statement was recorded wherein she supports the case of the prosecution as also the statement under Section 164 is recorded, which also supported the case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the case diary and the statement of the victim, it is not a case where the provisions of Section 438 can be extended, therefore, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge