

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 690 of 2015

Rev Vinay Peter S/o Late Rev Victor Peter Aged About 58 years R/o 15 Civil Lines
Caravs, P.O. Jabalpur, P.S. Civil Lines, Distt. Jabalpur (M.P.)

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police Station - Bodhghat, Distt.
Bastar Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

05/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.138/2015, registered in Police Station-Bodhghat, District -Bastar, for alleged commission of offence under Sections 354 and 456 of the IPC.

Case of the prosecution, in brief, is that when the applicant had gone to the house of complainant, he kissed her and thus outraged her modesty.

Learned counsel for the applicant submits that the applicant is a Priest in the Church and he is being falsely implicated by the complainant in respect of an incident which is alleged to have happened on 28.10.2014 by filing of FIR as late as on 10.4.2015. It is submitted that the applicant had taken exception and made complaints with regard to conduct of the complainant's husband and in the matter of performance of religious ceremony by Priests, a serious dispute by a rival group led by mother-in-law of the complainant is going on and her mother-in-law has declared herself as the President of the new group . It is further submitted that in the complaints which are being made, the date and time of incident are also different, which prima facie makes out a case of false implication. If the applicant is arrested, he is likely to suffer serious prejudice of his reputation as the Priest.

On the other hand, learned counsel for the State submits that the complainant has clearly stated that at the time when the applicant had come to her house to bless her son,

while leaving, he gave her a kiss. It is further submitted that the FIR was initially not lodged, as explained, for the reason that it would unnecessarily bring the community of Priest to disrepute.

Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that in respect of incident dated 28.10.2014, FIR has been registered as late as on 10.4.2015 and the applicant is a Priest and there are stated to be certain dispute between the applicant on one hand and the husband and mother-in-law of the complainant on the other hand, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge