

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 898 of 2015**

- Shamit Kumar S/o Ashwani Kumar Sahu Aged About 30 Years R/o Village - Khokhari, Police Station - Shivrinarayan, Civil And Revenue District - Janjgir - Champa (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through : Police of Police Station Sarsiwa, District - Baloda Bazar - Bhatapara (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Jeet Patel, Advocate on behalf of Shri Govind Dewangan, Advocate
For Respondent/State	:	Ms. Sunita Jain, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/09/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.156/2015, registered in Police Station-Sarsiwa, District Baloda Bazar-Bhatapara (C.G.), for alleged commission of offence under Section 294, 506 and 354 of the IPC.
2. Case of the prosecution, in brief, is that the applicant has been continuously harassing, teasing the prosecutrix and on 9-7-2015 outraged her modesty.
3. Learned counsel for the applicant submits that the allegation against the applicant is afterthought. He submits that the applicant had advanced loan to the husband of the complainant and when dispute arose, exaggerated allegations are being leveled against the applicant. There is delay of ten days in lodging the FIR. Though the incident alleged to have happened at

School, however, no teaching staff or any other staff or student of the school has stated anything to the police during investigation which *prima facie* shows that the applicant is being falsely implicated.

4. On the other hand learned State counsel opposes the bail application and submits that since long the applicant has been harassing the prosecutrix due to the fact that the applicant and the prosecutrix were having premarital relation and the applicant was continuously harassing the prosecutrix and blackmailed her for collecting money.
5. Considering the submissions made by learned counsel for the parties, particularly taking into consideration that there is delay of ten days in lodging the FIR and no independent witness has supported the case, I am inclined to allow the application.
6. 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

Ashu