

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1051 /2015

Suresh Kumar Thawait, S/o. Late Shriram Thawait, aged about 45 years,
R/o. Champa, P.S. & Tahsil – Champa, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Police Station- Sakti, Through District
Magistrate, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.15/2015 registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Section 354-A(1) of Indian Penal Code and Section 3 (1) (11) of S.C. & S.T. Act, 1989, 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, when the victim went to the clinic, the applicant, who is the doctor in order test, the victim was asked to lay down and when she laid down, the doctor has touched the different parts of her body and thereafter, while injecting the injection also touched the different parts of body. The matter was reported to the police, thereafter, the offence is being registered.
3. Learned counsel for the applicant submits that there previous quarrel has been taken place between the applicant and the prosecutrix/complainant and out of that animosity, the false report has been lodged. He would further submit that the offence under

Section 354 is bailable, whereas Section 3 (1) (11) of SC & ST Act is not made out as per the statement of the complainant, therefore, he prays that the applicant may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perusal of the case diary would show that it contains the statement of victim under Section 161 and also under Section 164, wherein she has stated that she was subjected to handling by the doctor as different parts of her body were touched and further case diary also contains the fact that the complainant belonged to scheduled caste. Therefore, taking into account the nature of offence, 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.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge