

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1048 /2015

Harishchand, S/o. Bholu Prasad, Aged About 38 Years, R/o. Village Sagarpur, Police Station & Tahsil Baikunthpur, Distt. Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Station Incharge, Police Station Baikunthpur, Distt. Koriya Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate.

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.195/2015 registered at Police Station- Baikunthpur, District Koriya (C.G.) for the offence punishable under Sections 451, 354, 294, 427 of the 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 on 18.08.2015 at about 2:00 P.M. the applicant entered into the house of the complainant and tried to outrage her modesty. On having raised voice by the complainant, the applicant fled away from the house and the matter was reported to the police on 18.08.2015 at about 8:20 P.M.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as on the same day earlier to that the husband of the complainant tried to outrage the modesty of the wife of the applicant for which the incident was reported at 3:40 P.M. and the time of incident was stated to be 11:30. Therefore, he would submit that totally on the false allegation, the case has been filed.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Both the case diary i.e. case diary in crime No.195/2015 and the case diary in crime No.194/2015 would show that a report was made by the victim of crime No.194/2015 i.e. wife of the applicant, at about 3:40 P.M. for the incident happened at 11:30, that the husband of complainant namely Manmohan tried to outrage her modesty and the assault was also made and the garments were torn.
7. Taking into the fact and the time which is reported in the case diary in Crime No.194/2015, it was reported at 3:40 and the time of incident was reported at 11:30 whereas the instant crime was stated to be happened on 2 O'clock, in my opinion, considering the case diary and counter case, the *prima facie* false accusation cannot be sidelined; accordingly, I am of the view that the applicant is entitled for anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. 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 officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge