

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 36 of 2016

1. Ramji Miri, S/o. Kariya Ram, aged about 39 years, R/o. Village and Post Sohagpur, P.S. - Urga, Tahsil – Kartala, District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : the Station House Officer, Police Station – Urga, District – Korba (C.G.)

---- Respondent

For Applicant : Mr. Shivang Dubey, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/02/2016

1. Apprehending arrest in connection with Crime No.361/2015 registered at Police Station- Urga, District – Korba (C.G.), for offence punishable under Section 354, 456 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 21.12.2015 at about 9.00 o'clock, when the prosecutrix came to the courtyard of her house to answer the nature's call, the applicant entered into the courtyard and caught hold of her and pressed her breast.
3. Learned counsel for the applicant would submit that, even if, the FIR is accepted as it is, it would not fall under Section 354 of I.P.C. and maximum the case would fall under Section 354A as no force was applied and further more considering the area, wherein the alleged offence has been stated to be committed, it is the courtyard, therefore,

the criminal trespass would also not made out. He would further submit that same allegations were made that three years back similar offence was committed but no report was made. It is contended that there has been some family dispute between the brothers, as such the allegation have been levelled against the applicant and therefore, prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix, which shows that positive statement has been made, which is supported by the witness, Umend Giri and other brothers of the applicant. Taking into such statement and evidence against the applicant it can not be stated that custodial interrogation of the applicant may not be required and it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended. Therefore, this Court is not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge