

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 200 of 2016

Krishna Kanhaiya Jhariya, S/o. Shri Digamber Prasad Jhariya, aged about 38 years, Occupation- Govt. Service, Assistant Teacher, R/o. Village Jabga, Post- Baro, Thana and Tahsil Dharamjaygarh, Civil and Revenue District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station – Dharamjaygarh, Civil and Revenue District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Mr. Sunil Sahu, Advocate
For Respondent/State	:-	Mr. Arvind Shukla, Panel Lawyer,
For Objector	:-	Mr. M.K. Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/03/2016

1. Apprehending arrest in connection with Crime No 36/2016 registered at Police Station- Dharamjaygarh, District Raigarh C.G.) for the offence punishable under section 354,323 of Indian Penal Code and section 3(I)(XI) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case, in brief, on 26.01.2016, when the victim went to fill up water in the school, at that time, the applicant came behind and caught hold of her hand and tried to outrage her modesty. Thereby, the offence is committed.

3. Counsel for the applicant submits that the husband of the victim has beaten the applicant for which the report was made which is annexure A/2 to Police Station Dharamjaigarh on 26.01.2016. Subsequently, the Block Education Officer have also made a report to Police Officer for registering the case and again in order to protect the complainant a counter false allegation is levelled against the applicant. He further submits that as per the FIR, no allegation have been made under section 3(I)(XI) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, the bar of section 18 would not apply and prays, the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel as also learned counsel for the objector opposes the prayer for grant of anticipatory bail.

5. Perused the statement of victim/ complainant wherein she stated that the applicant had tried to outrage her modesty on school while she went to fill up water at about 8 o'clock and during such scuffle when she resisted she sustained injury. Taking into the statement of the victim, which is supported by another witness and medical evidence, it is not the case where the benefit of section 438 of Cr.P.C. can not be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed

Sd/-
(Goutam Bhaduri)
JUDGE