

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 261 /2016

1. Krishna Prasad, S/o. Late Kamta Prasad, Aged About 55 Years.
2. Pradeep Kumar, S/o. Krishna Prasad, Aged About 30 Years.

All are R/o. Village- Amgaon, P.S. & Tahsil- Shankargarh, District- Balrampur, Chhattisgarh, Civil District- Surguja, Revenue District - Balrampur, Chhattisgarh .

---- Applicants

Versus

The State Of Chhattisgarh, Through S.H.O. Police Station- Shankargarh, District - Balrampur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. A.K.Prasad, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2016

1. Apprehending arrest in connection with Crime No.14/2016 registered at Police Station- Shankargarh, District Balrampur (C.G.) for the offence punishable under Section 294, 323, 506, 354, 34 of Indian Penal Code and Section 3(1)(xi) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, on 21.02.2016 the complainant was coming from the field at that time the wife of the applicant No.2 Pradeep Kumar asked her to lift the tiles which were kept in his house. Subsequently, on 22.02.2016 when she went to get the tiles at that time both the applicants abused her with filthy

language and also caught hold of her Saree and thereby tried to outrage the modesty of the victim.

3. Learned counsel for the applicants would submit that the basic reason for the dispute was that some money was taken by the complainant and the applicants wanted back the amount as it was not being paid when it was asked and therefore the false allegations have been made. He further submits that under the acts of the applicants, the offence is not made out, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the FIR and the statement of the victim. Taking into nature of allegation and considering the statement of the victim, it is not a case where the custodial interrogation of the applicants may not be required, therefore, I am not inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge