

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 325 /2016

Kailash Sao, S/o. Haribandhu Sao, Aged About 30 Years, R/o. Village
Piluwapali, P.S. Basna, District Mahasamund (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Police Station Saraipali, District
Mahasamund (Chhattisgarh)

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/04/2016

1. Apprehending arrest in connection with Crime No.66/2016 registered at Police Station- Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 354 of 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, a written report was made by the victim on 18.02.2016 that she is working in Fuljhar Higher Secondary School and the applicant who is also working there used to send obscene SMS and messages and despite all resistance, it was not stopped. Subsequently, on 18.02.2016 the applicant went to the house of the victim and caught hold of her and tried to drag her and on having been made alarm, the mother of the prosecutrix came in between and the applicant ran away; thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that both the applicant and the victim are the employee of the same School and since there has been some dispute arose in the work of the School, the false allegations have been made; therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, the report and the statement of the victim. The way the offence has been committed, it shows that the obscene messages and phone calls were made in the late night and also the applicant went into the house of the victim and tried to outrage her modesty. Therefore, considering such statement and the report, it is not a case where the benefit of Section 438 can be granted to the applicant.
6. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge