

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 433 of 2016

Umend Ram Tondon S/o. Shri Hulas Ram Tondon, aged about 29 years, R/o. Khandwa (correct place is Khandoba) Police Station Ratanpur, Tahsil-Kota, District-Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through The Police Station Ratanpur District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Rakesh Pandey, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/06/2016

1. Apprehending arrest in connection with Crime No. 81/2016 (wrongly mentioned as 01/2016 in rejection order) registered at Police Station – Ratanpur, District Bilaspur (C.G.) for the offence punishable under sections 354,354D and 506 of IPC.
2. Case of the prosecution, in brief is that on 27.03.2016 the applicant caught hold of the victim and tried to outrage her modesty by pressing her breast, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that as prior enmity existed between the parties since the mother of the applicant had made report against few of the members of the society on 26.03.2016 and in order to counter the same as a revenge to pressurise false allegation has

been made. He further submits that the incident happened on 27.03.2016 and the report was made on 29.03.2016 and the two days delay has not been explained, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail and submit that on the report of the mother certain proceedings under sections 107,116 (3) of Cr.P.C. has been commenced, therefore, the applicant should not be given the benefit of anticipatory bail.

5. Perused the statement of the victim, considering such statement and the fact that two days delay has occurred in lodging the FIR it can not be stated that inordinate delay was caused. Considering the facts and the case diary, this Court is of the opinion, that it is not the case where the benefit of section 438 of Cr.P.C. can be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE