

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 571 of 2016

Dr. Anup Kumar Agrawal, Aged About 50 Years, S/o Shri
Radheshyam Agrawal, R/o Amrit Kalash Chikitsalaya, Bypass
Road, Durg, Distt. Durg (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Mohan Nagar, Distt. Durg (Chhattisgarh)

---- Respondent

For applicant – Dr. N.K. Shukla, Sr. Advocate with Ms. Madhunisha Singh,
Advocate.

For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 260/2016 registered at Police Station Mohan Nagar, Durg Distt. Durg (CG) for offence punishable under Section 354 of the Indian Penal Code, 1860.

2. As per the prosecution case, a report was made by the victim that as a doctor she joined in the Nursing Home of the applicant on 1/05/2016. Subsequently, on 14/05/2016 the applicant took the victim to certain chamber and tried to outrage her modesty and for which a report was made on 21/05/2016.

3. Learned counsel for the applicant submits that the victim joined the Nursing Home of the applicant on 1/05/2016 and she was irregular in her duties, as she was scolded, therefore she left the Nursing Home on 14/05/2016 and ultimately a report was made on 21/05/2016. It is further submitted that there is no explanation has been given for the delay caused and she was a well educated lady and consequently delay in lodging FIR would be vital. Learned counsel relied on the case law reported in **AIR 2004**

SC 536 in between **Vidyadharan Vs. State of Kerala** and would submit that charges in like nature under Section 354 of IPC is very easy to make and is very difficult to rebut. Therefore, learned counsel submits that considering the facts applicant who is a doctor and there is no chances of his absconding, he may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that victim had went to her village and therefore delay has been caused.

5. Perused the case diary and the statement. The offence is alleged to have been committed on 14/05/2016 and perusal of the case diary would show that the report was made on 21/05/2016. There is no explanation has been stated in the FIR for the delay. Considering the facts in the background of this case and applicant appears to be running nursing home as a doctor and also taking into consideration the principles laid down by the Hon'ble Supreme Court in case of **Vidyadharan Vs. State of Kerala** (supra), I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE