

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1079 of 2016**

- Fadindra Tiwari @ Chanchal S/o Chandra Bhushan Tiwari Aged About 18 Years R/o Shanti Nagar, Ward No. Janjgir, Civil & Revenue District- Janjgir Champa, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station- Janjgir, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Hanuman Prasad Agrawal, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

S. B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/10/2016**

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.329/2016, registered at Police Station–Janjgir, District Janjgir-Champa for alleged commission of offence under Sections 354, 323, 34, 427 of IPC and Section 12 of of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant along with co-accused indulged in harassing and also attempted to outrage the modesty of the prosecutrix and she is also subjected to beating.

4. Learned counsel for the applicant submits that the applicant is not alleged to have committed any overt act and not even hurling abuses or indecent words against the prosecutrix. He submits that most of the allegations are against Ravi and some of the allegations are against Mukesh, but the applicant has been involved in the case only on the ground that when there was dispute going on

between Ravi and the prosecutrix, the applicant was also present.

5. On the other hand, learned State counsel opposed the prayer for grant of bail and submits that very presence of the applicant along with other co-accused at the time when they attempted to outrage the modesty of the prosecutrix, shows that the applicant is also involved in the case.

6. Taking into consideration the nature of allegation and that according to statement of the prosecutrix, she was assaulted by Ravi and attempt was made by Mukesh to take out his belt but there is no allegation of the prosecutrix that the applicant committed any overt act or stated anything against the modesty of the prosecutrix, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) he shall make himself available for interrogation by a police officer as and when required;

(II) he 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 from disclosing such facts to the Court or to any police officer, *and*

(III) he shall cooperate with the investigation as and when he is called.

Sd/-
(Manindra Mohan Shrivastava)
Judge