

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1224 /2015

Yogesh Kumar, S/o Bhagatram, Aged About 19 Years, Caste Satnami,
R/o Village Dhobnipali, Tahsil & P.S. Dabra, Distt. Janjgir Champa,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Dabra, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.284/2015 registered at Police Station- Dabra, District Janjgir-Champa (C.G.) for the offence punishable under Section 354, 342 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, in brief, on 01.11.2015 the applicant caught hold of the prosecutrix and dragged her to the house, thereafter, tried to outrage her modesty and on being shouted by the prosecutrix, the applicant fled away and thereafter the offence has been registered.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because of the enmity existing in the village; therefore, he may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. I have gone through the case diary and the statement of the prosecutrix. Taking into consideration the statement of the prosecutrix, it is not a case where the benefit of Section 438 can be extended to the applicant, therefore, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge