

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1328 /2015

Nilamber Prasad Patel, S/o. Late Chandan Singh Patel, Aged About 63 Years, Occupation Service, Deputy Director, Social Welfare Department, Raigarh (Contract), R/o. Kelo Vihar Colony, Raigarh, P.S. Chakradhar Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Chakradhar Nagar, Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2016

1. Apprehending arrest in connection with Crime No.323/2015 registered at Police Station- Chakradhar Nagar, Raigarh (C.G.) for the offence punishable under Section 354(2)(3) and 509 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. This is the second anticipatory bail application. The earlier anticipatory bail application was dismissed on merit on 18.11.2015 in M.Cr.C.(A) No.1089 of 2015.
3. As per the prosecution case, the complainant who is working as Panchayat and Social Organiser, Janpad Panchayat, Kharsiya, lodged a complaint before the Police Station alleging that the present applicant who is working as Deputy Director in the Department of Social Welfare tried to outrage her modesty. It is stated that the complainant is subordinate employee of the applicant; therefore, the case is registered.

4. Learned counsel for the applicant referred to the enquiry report and submits that the enquiry committee while giving the report has misinterpreted certain averments made by the applicant and he therefore submits that under the circumstances, the applicant who is 63 years old may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Perused the case diary and the report as also the earlier order. There is no change of circumstances prima facie appears to have been existing from the earlier rejection order from 18.11.2014. Taking into such facts, I am not inclined to reconsider the bail application as it is not a case where the benefit of Section 438 can be extended to the applicant, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge