

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 217 of 2016

1. Manmohan, S/o. Motilal Rajwade, aged about 30 years, R/o. Village-Sagarpur, Police Station and Tahsil-Baikunthpur, Civil and Revenue District-Koriya (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : the Station House Officer, Police Station – Baikunthpur, Civil and Revenue District-Koriya (C.G.)

---- Respondent

For Applicant	: Mr. Ashok Kumar Shukla, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.194/2015 registered at Police Station- Baikunthpur, District – Koriya (C.G.), for offence punishable under Section 452, 354 & 323 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail. The first bail application filed under Section 438 of Cr.P.C. is dismissed on merits on 06.01.2016 in M.Cr.C.No.1282/2015.
2. As per the prosecution case, on 18.08.2015 at about 2.00 PM, the applicant entered into the house of the complainant and tried to outrage her modesty, therefore, the report was made.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that as

per Annexure A/4, a report was made by Smt. Anita Rajwade against Harishchandra Rajwade and this report is made by Sushila Rajwade, who is wife of Harishchandra Rajwade in order to facilitate the other party/the accused party who have also been committed the crime No.195/2015, handwritten time was inserted as 20.25, and therefore, the police has not fairly investigated the case. He further submits that on the basis of such report, in the counter case, the bail was granted to Harischandra, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the document filed as Annexure A/4, wherein time of the incident is stated to be 2.00 PM, whereas, the present case, is stated to be crime No.194/15, stated to be committed at 11.30 AM. Therefore, the date of incident of this case is prior. The earlier bail petition has already been dismissed on merits. Therefore, I do not find any change of circumstances to reconsider the bail petition again.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge