

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 429 of 2016**

Chandrika Prasad Sahu, Sarpanch Gram Panchayat Pathariya S/o
Late Shri Ganga Ram Sahu, Aged About 28 Years, R/o Village
Pathariya, Tahsil Dhamdha, District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh The Station House Officer, P.S. Nandani,
District Durg Chhattisgarh

---- Respondent

For applicant – Shri B.M.K. Bajpai and Shri Sunil Verma, Advocate.
For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****9/05/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 196/2015 registered at Police Station Nandani, District Durg (C.G.) for offence punishable under Section 354, 454, 506 of IPC.
2. As per the prosecution case a report was made by complainant/victim that on 18/08/2015 while complainant was going somewhere, at that time applicant intercepted her way and thereafter had spoken obscene words. Subsequently, the applicant entered into the house of the complainant, caught hold of her and thereafter pressed her breast, thereby tried to outrage her modesty.
3. Learned counsel for the applicant submits that applicant is a Sarpanch and proceedings were drawn by the Sarpanch to remove encroachment in village and husband of the complainant was one of the encroacher and notice when was served was refused. Subsequently, victim used to call the applicant on his mobile phone which was reported to the gram panchayat and gram panchayat convened a meeting wherein

victim and her husband admitted that the victim used to call the applicant on his mobile phone and also accepted that she would not repeat the same. It is submitted that because of the proceeding initiated by the applicant to remove encroachment this false allegations have been levelled.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the cause diary. Case diary also contains documents of the gram panchayat which shows that victim had admitted the fact that she used to call the applicant on his mobile phone and thereafter apologized publicly in the gram panchayat. Further also perused notice issued by the gram panchayat to remove encroachment. Considering the background of the case, 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