

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 563 of 2016

- Vishwajeet Behera S/o Damodar Prasad Behera Aged About 45 Years Sabhapati, Janpad Panchayat, Saraipali, R/o Village - Baitari, Police Station - Saraipali, Distt. Mahasamund Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station - Saraipali, Distt. Mahasamund Chhattisgarh ---
Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate.
For the Respondent	:	Mr. Anupam Dubey, P.L.,
For the objector	:	Mr. Sanjay Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.08.2016

1. Apprehending arrest in connection with Crime No. 137 of 2016 registered at Police Station Saraipali, Distt. Mahasamund (C.G) for the offences punishable under sections 452, 354 of IPC and Section 67(a) (b) (d) of the Information Technology Act and Section 3(2)(v)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by the complainant who is Chief Executive Officer of Janpad Panchayat that while she was taking her bath on 27.04.2016, the applicant forcibly entered into her house, pushed the door of bath room and saw her while taking bath and thereafter he asked her by whats-up message to have sexual relations thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant is a member of Janpad Panchayat and on earlier occasion too he was having exchange of what-up messages with the complainant and on 27.04.2016 after the incident happened the applicant also tendered his apology and no offence has been committed. Therefore, no allegations can be attributed against this applicant.
4. Per contra, learned State Counsel and learned counsel for the objector vehemently oppose the prayer for grant of anticipatory bail and would submit that the applicant is in the habit of committing the offence and he also threatened the complainant for which separate report was made.
5. Perused the FIR as also the statement of the complainant which show that the applicant after entering into her house pushed the door of bath room and entered into bath room while she was taking bath and subsequently offered for sexual relation by what's-up message.
6. Considering such statement of complainant and considering the conduct of applicant, I am not inclined to extend the benefit of section 438 Cr.P.C in favour of the applicant. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**