

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 294 of 2016

Digeshwar Das S/o Ghanshyam Das Aged About 45 Years R/o Village
Bisahutola, P.O. Chichola, P.S. Chhuriya, District Rajnandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Chhuriya, District Rajnandgaon,
Chhattisgarh.

---- Respondent

For applicant – Shri R.K. Kesharwani, Advocate.
For Respondent/State –Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 40/2016 registered at Police Station Chhuriya, District-Rajnandgaon for offence punishable under Sections 323, 341, 354 of Indian Penal Code.
2. As per the prosecution case on 24/02/2016 complainant went along with the applicant to Lalbahadur Nagar to discharge some job of Panchayat. Thereafter, while they were returning the applicant took the motorcycle half km inside and uttered obscene things. Thereafter, they came back on 26/02/2016. While in panchayat meeting such facts were disclosed by the complainant. Thereby, the applicant tried to outrage the modesty of the woman.
3. Learned counsel for the applicant submits that applicant is Panchayat Secretary and complainant was Sarpanch and there has been differences were existing in between them. It is further submitted that facts were disclosed on 27/02/2016 and report was made on 2/03/2016 and no disclosure was made initially and the applicant has been falsely implicated.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the complainant. It is stated that applicant tried

to outrage her modesty on 24/02/2016 and thereafter while they were coming back from Lalbahadur Nagar according to the complainant though she met Rojgar Sahayak, however nothing appears to have been disclosed immediately. Disclosure was made on 27/02/2016 before gram panchayat and report was made on 2/03/2016. Considering such report and the back ground of the offence as has been stated it appears that false implication cannot be ruled out. Considering the delay in such report, 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