

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 725 of 2016

- Lilamber S/o Baratram Aged About 31 Years R/o Tahsil & P.S. - Dabhara, Distt. Janjgir - Champa Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh Through - S. H. O. Dabhara, Distt. Janjgir - Champa Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Amit Sharma, Advocate.
For the Respondent	:	Mr. Lav Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.08.2016

1. Apprehending arrest in connection with Crime No. 57 of 2016 registered at Police Station Dabhara Distt. Janjgir Champa (C.G) for the offences punishable under sections 457, 354, 323/34, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 21.2.2016 a report was made by the victim that the applicant alongwith other co-accused entered into house and thereafter pressed her breasts and when she woke up from her sleep, she saw the applicants and raised alarm, thereby he fled away from the house. It is submitted that co-accused Rajan could not flee away, as such, the scuffle took place between the husband of victim and Rajan.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated for the reason that the husband of victim has been removed from service

and the applicant is BDS member and on that day, another report of dispute was made, therefore, the false implication has been made.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of the victim and other witnesses. A perusal of the statement of victim would show that direct allegations have been attributed against this applicant to outrage the modesty of the girl. Therefore, it is not a case where the benefit of section 438 Cr.P.C., can be extended. Accordingly, this application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE