

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1282 of 2015

Manmohan, son of Motilal Rajwade, aged about 29 years, R/o village
Sagarpur, Police Station and Tahsil Baikunthpur, Civil and Revenue
District Korea, District Korea --- **Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Baikunthpur, District Korea --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate.
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.01.2016

1. Apprehending arrest in connection with Crime No. 194/2015 registered at Police Station Baikunthpur, District Korea (C.G) for the offences punishable under Sections 452, 354 & 323 of IPC of the Indian Penal Code, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, on 18.08.2015 at about 2.00 p.m., 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 submits that in a preplanned manner, initial report was filed by the complainant i.e., wife of Harishchand which was registered as Crime No.124/2015 wherein false averments have been made against him, therefore, he has been falsely inculpated in the offence. He submits that the report filed by the wife of Harishchand is a counter blast to the subsequent report filed by the wife of applicant which was later registered as Crime No.125/2015 on the same day and in order to avoid the consequences of the offence took place towards the wife of applicant relating to Crime No.125/2015, a preplanned report was already filed

by the wife of Harishchand which was registered as Crime No.124/2015. He submits that in similar circumstances, Harishchand has been enlarged on bail by this Court in MCRCA No.1048 of 2015 relating to Crime No.195/2015 wherein similar allegations have been levelled against Harishchand.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the order passed in MCRCA No.1048/2015.
6. Anticipatory bail was granted to Harishchand on the ground that the time of incident mentioned in the report filed by wife of Harishchand was prior to the time of incident mentioned in subsequent report filed by the wife of applicant.
7. Considering the evidence available against the present applicant, I am not inclined to extend the benefit of provisions of Section 438 Cr.P.C., to the applicant. Accordingly, this bail petition is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE