

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1307 /2015

Pramal Dutta (Ratre), S/o Jagdeesh, Aged About 28 Years, R/o Village Rajpalpur, Police Chowki- Chilfi, Tahsil- Lormi, Rev. Distt. Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station- Civil Lines, Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Neeraj Mehta, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.634/2015 registered at Police Station- Civil Lines, Bilaspur (C.G.) for the offence punishable under Section 354(A) and 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, a report was made by the victim on 30.09.2015 that while her sister was admitted in the Hospital, the applicant who is working as a Ward Boy on 29.11.2014 came inside the room and caught the hand of the victim, thereafter, pressed her breast and thereby tried to outrage her modesty.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case since the family members of the victim have filed a complaint against the Doctor wherein the sister

of the prosecutrix was admitted and died due to negligence of the Doctor for which the applicant was proposed to give evidence but since he refused, the false allegations have been made. He further submits that the incident is happened on 29.11.2014 and the report was made on 30.09.2015, as such, delay of 10 months have been occurred in lodging the FIR; therefore, he may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. wherein positive allegations have been made. It appears, prima facie, that the delay has been explained by the prosecutrix; therefore, considering the statement of the prosecutrix, it is not a case where the benefit of Section 438 can be extended to the applicant, therefore, I am not inclined to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge