

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1345 of 2015

1. Ramnath, S/o. Chain Singh Lahre, aged about 37 years, R/o. Bazar Atariya, Thana/Tahsil – Khairagarh, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : P.S. - Khairagarh, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/02/2016

1. Apprehending arrest in connection with Crime No.415/2015 registered at Police Station- Khairagarh, District – Rajnandgaon (C.G.), for offence punishable under Section 354, 506, 323 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 06.11.2015 at about 9.00 pm, while the prosecutrix was cleaning the utensils, at that time the applicant, who is brother-in-law of the prosecutrix came and caught hold of the prosecutrix and pressed her breast. Subsequently it was again repeated and thereafter, the report was made on 21.11.2015.
3. Learned counsel for the applicant would submit that, the applicant has been falsely implicated in this case because of the fact that brother of the prosecutrix had entered into quarrel with the applicant, as such false allegations have been made. Therefore, the counsel submits that

the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. Perusal of the statement prima-facie shows that positive statement has been made against the applicant. Looking to the such statement, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge