

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1001 of 2016

Sunil Yadav S/o Shri Sarju Yadav Aged About 27 Years R/o
Chorbhatthi Kala, Police Station Takhatpur, District Bilaspur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police
Station Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For applicant – Shri D.C. Verma, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

16/12/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 235/2016 registered at Police Station Takhatpur, District Bilaspur (C.G.) for offence punishable under Section 354 of Indian Penal Code.
2. As per the prosecution case, on 19/08/2016 a report was made by the victim that the applicant who is brother-in-law wanted to marry the victim and on the date he went to the victim and caught hold of her hand, proposed her for marriage and thereafter snatched her scarf (dupatta). Thereby, tried to outrage her modesty.
3. Learned counsel for the applicant submits that infact the victim was in one side love relation and the applicant being married he wanted to avoid for which she made a report to police also and the victim has written various letters which are filed as Annexure A-2 which would show that false allegations have been made when the applicant refused to marry, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel was directed to verify the letters which is alleged to have been written by the victim.

5. Report which is annexed by the State wherein it is stated that the letters have been written by the victim, however they were under pressure. Perused the statement of the victim as also different letters which are in bunch. Considering the various bunch of letters and also considering the facts and circumstances of the case, 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.

Sd/-
(Goutam Bhaduri)
JUDGE

