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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1042 of 2016**

1. Ram Pahal Rajwade, S/o. Shri Ram Sevak Rajwade, aged about 36 years, Occupation-Agriculturist, Caste-Rajwar, R/o. Village-Mendrakala, P.S. and Tahsil Ambikapur, District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Chowki Manipur, Police Station – Ambikapur (C.G.)

---- Respondent

For Applicant	: Ms. Hamida Siddiqui, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/12/2016**

1. Apprehending arrest in connection with Crime No.571/2016 registered at Police Station- Ambikapur, Chowki Manipur, District – Sarguja (C.G.), for offence punishable under Section 294, 323, 506, 354(A) & 451 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Subhash Rajwade, complainant against the present applicant that on 16.08.2016 over old enmity, the applicant abused the wife of complainant and assaulted and thereby tried to outrage the modesty, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant and the complainant they are in old enmity earlier and the applicant was assaulted by the complainant and on intervention of family members, they entered into compromise. Subsequently, the applicant on the date of incident and the complainant both entered into dispute and the applicant was assaulted, which is supported by medical report and for which a report was also made by the present

applicant, therefore, the false allegations have been attributed to the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and the report, wherein allegations have been attributed against both the complainant and also the applicant. Taking into the facts and circumstances of the case it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant 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.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge