

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1085 of 2016**

- Durgesh S/o Deenaram Aged About 33 Years R/o Village - Nawagaon, Musau, Police Station - Kunda, Tahsil - Pandaria, District - Kabirdham Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Kunda, District - Kabirdham Chhattisgarh

---- **Respondent**

 For Applicant : Mr. Santosh Bharat, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23-12-2016**

1. Apprehending arrest in connection with Crime No. 113 of 2016 registered at Police Station Kunda, District Kabirdham (CG) for offence punishable under Section s 354(A), 294, 506/34 of the IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, a report was made by victim that on 18-8-2016 while she was standing on the road, the applicant came there, abused her by stating that they have made false report and on that allegation he caught hold of her hands and threatened her with dire consequences and thereby tried to outrage her modesty.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in this case, initially the applicant had lodged report against the complainant and their family members and in order to counter, a false report has been

made, therefore, considering all the facts and circumstances of the case, benefit of Section 438 of the Cr.P.C., may be extended to the present applicant.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the victim girl wherein positive allegations have been attributed to the present applicant.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the victim girl, I am of the considered opinion, *prima facie* that it is not a fit case where benefit of Section 438 of Cr.P.C., can be extended to the present applicant.
8. Accordingly, the application filed under Section 438 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju