

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 884 of 2017**

Umesh Kanojiya S/o Ravindra Kanojiya, aged about 28 years R/o village Karamdiha, PS Basantpur, District Balrampur-Ramanujganj (CG).

-----Applicant**Versus**

State of Chhattisgarh Through Police Station Basantpur, District Balrampur-Ramanujganj (CG).

---- Respondent

For Applicant	:	Shri AK Yadav, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/11/2017**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.65 of 2017 registered at Police Station Basantpur, for the offence punishable under Sections 323 and 354 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant on 17.06.2017 is said to have tried to outrage the modesty of complainant and also assaulted her.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case for the reason that there was fight/dispute between the complainant side and the present applicant on the same day i.e. 17.06.2017 in connection with cutting of road in front of the house of the present applicant which he had objected. He submits that proof of this fact is available in the case diary where there was a compromise arrived at between the complainant side and the applicant before the Sarpanch and Up-Sarpanch of the village on the same day, and therefore he may be granted anticipatory bail.
4. Counsel for the State opposing the bail application submits that

allegation against the applicant is serious and therefore he may not be granted anticipatory bail. However, she does not dispute the fact as regards the compromise which had arrived at between the parties on the same day pursuant to the road dispute.

5. Having heard learned counsel for the parties and perusal of case diary, particularly taking note of the dispute which arose in connection with cutting of road and thereafter on the same day compromise also arrived at between the parties, and also considering the fact that the complainant side as also the present applicant are closely related to each other, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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;
3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge