

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1048 of 2017**

Hukumchand Amlesh S/o Dewan Singh Amlesh, aged about 35 years,
 Caste Bhaina, R/o Village Ratga, Police Station Marwahi, District
 Bilaspur, Chhattisgarh **---- Applicant**

Versus

State of Chhattisgarh through the Police Station Marwahi, District
 Bilaspur, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Rakesh Pandey, Advocate
For Respondent/State	:	Shri D. R. Minj, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/12/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 166/2017 registered at Police Station Marwahi, District Bilaspur (CG) for the offence punishable under Sections 454, 354 & 323 of IPC.

2. As per the prosecution case, the applicant on 05.10.2017 is said to have entered into the house of the prosecutrix and caught hold of her dress with an intention of outraging the modesty.

3. Counsel for the applicant submits that though the report was made on 05.10.2017, the FIR was registered on 10.10.2017 implicating the applicant for the offence under Sections 454, 354 & 323 of IPC. He submits that the entire complaint is politically motivated as the applicant is the Sarpanch of the village and the complainant had contested the post of Sarpanch against the applicant and had lost the election which led to the rivalry, on the basis of which the present complaint has been filed. He further submits that a plain reading of the complaint itself would reveal that there was no act on the part of

the applicant trying to outrage the modesty of the complainant. Thus, prayed for grant of anticipatory bail.

4. State counsel, however, opposing the bail application submits that the applicant is said to have pushed the complainant on the ground pulling her Sari which she was wearing at the time of accident which by itself reflects the act of outraging the modesty.

5. Considering the total facts and circumstances of the case, particularly the fact that the applicant herein is the present Sarpanch of the village and that the complainant was the loosing candidate in the election and also taking into consideration the nature of allegation made in the complaint, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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) that 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/-
(P. Sam Koshy)
Judge