

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 312 of 2017**

- Talam Sapra W/o Kawarbhan Sapra, Aged About 77 Years R/o Behind Vinay Hotel, Manendragarh, Police Station Manendragarh, District Koriya Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Manendragarh, District Koriya Chhattisgarh

---- Non-applicant

For Applicant:	Mr. Goutam Khetrapal, Advocate
For State:	Mr. N.K. Mehta, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****10.05.2017**

1. Apprehending arrest in connection with Crime No. 104/2017 registered at Police Station- Manendragarh, District - Koriya (C.G.), for offence punishable under Sections 354, 294, 323 of the Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. The case against the present Applicant is that the present applicant is an old person of about 77 years of age is said to have outraged modesty of the minor girl aged about 14 years of age. A report in this regard was lodged on 03.04.2017 and on the same day FIR was also lodged.
3. Learned Counsel appearing for the Applicant submits that the entire dispute arose when the present Applicant had issued a legal notice to the father of the victim for vacating the premises which stood in

the name of the Applicant. Learned Counsel for the Applicant refers to the legal notice dated 09.3.2017 issued by the present Applicant to the father of the victim in this regard. Learned Counsel for the Applicant also refers to the medical documents enclosed along with the present application which shows that the present applicant is a very weak man and is also suffering from various ailments and not even able to walk properly and stand straight. Therefore, the alleged act is beyond his comprehension and case is false and fabricated against the present Applicant. He further submits that the present Applicant is of late residing at Gurgaon. The present applicant has issued legal notice to the father of the victim to vacate the property but in order to illegally take over the entire possession of the property belonging to the Applicant from where he does not want to vacate the same he has made the victim to file the present complaint.

4. Learned State Counsel however strongly opposes the present bail application on the ground that the nature of the allegation leveled against the applicant is very serious and that in the given facts of the case and gravity of the offence, bail should not be granted.
5. Having considered the rival contentions put forth on either side and on perusal of the record particularly the age of the Applicant and also the medical condition of the applicant and considering the fact that the victim is a healthy 14 year old girl having sufficient strength to resist the act alleged to have been made by the present Applicant. Thus it prima facie appears to be a case filed primarily to oppose the legal notice seeking vacation of the property in which the victim and her father are residing which originally stands in the name of present Applicant. Accordingly, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

6. The MCRCA is allowed.
7. 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 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) 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.
8. Certified copy as per rules.

Sd/-

(P. Sam Koshy)
JUDGE