

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MISC. CRIMINAL CASE (A) NO. 354 OF 2017**

Shiv Lal Das, S/o Late Ratan Das, aged about 40 years, Caste- Panika, occupation- Farmer, R/o Dandgaon, Post- Lundra, P.S. and Tahsil- Lundra, District Surguja (C.G.)

**... Applicant**

**Versus**

State of Chhattisgarh, through Station House Officer, Police Station: Lundra, District Surguja (C.G.)

**... Non-applicant**

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|-------------------------|---|----------------------------------|
| For Applicant           | : | Mr. Hemant Gupta, Advocate.      |
| For Non-applicant/State | : | Mr. Arvind Shukla, Panel Lawyer. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**10/05/2017**

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 18 of 2017, registered at Police Station- Lundra, District- Surguja, for the offence punishable under Sections 354(A)1, 452, 506 of IPC.
2. As per the prosecution case, the present Applicant is said to have entered into the house of the complainant on 21.2.2017 and initially he is said to have outraged the modesty of the complainant and subsequently he fled away on the arrival of the husband of the complainant/victim. Later on, the complainant made a supplementary statement wherein she has also alleged the present Applicant of committing sexual intercourse with her on the said date and therefore offence under Section 376 of IPC has also been added.
3. Learned Counsel for the Applicant submits that it is a false case which has been fabricated against the Applicant, inasmuch as the Applicant is said to have filed an FIR on the same day at the same police

station wherein he was assaulted badly by the husband of the complainant and the Applicant has received injuries and was subjected to medical examination and the time of incident which is being referred to by the complainant in the present case is the time while the Applicant was undergoing the MLC at Community Health Centre, Lundra.

4. Learned Counsel for the State however opposes the anticipatory bail application.

5. In any case, considering the facts and circumstances of the case, more particularly the two statements of the complainant, first being at the time of lodging of the FIR and the subsequent statement being made after about a month or so, clearly gives rise to a great element of doubt on the veracity of her statement. Therefore, in the given facts and circumstances of the case, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 18 of 2017, registered at Police Station- Lundra, District- Surguja, for the offence punishable under Sections 354(A)1, 452, 506 of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further 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.

/sharad/

Sd/-  
**(P. Sam Koshy)**  
**Judge**