

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 388 of 2017

- Sandeep Singh Sailoni S/o Shri Narayan Singh, Aged About 35 Years R/o Indira Vihar Colony Bilaspur, Police Station Sarkanda, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station City Kotwali, Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. K.A. Ansari, Sr. Adv. with Mr. Devesh G. Kela, Advocate.
For Respondent : Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/11/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.38/2017 registered at Police Station- City Kotwali Kawardha, District – Kabirdham(C.G.), for the offence punishable under Sections 354 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant-Shruddha Mishra has lodged a false complaint against the applicant under the pressure of her husband, who happens to be a Constable posted in Kawardha. Pursuant to, that the complainant has given statement under Section 164 of CrPC. As per the information received,

complainant has given statement that she does not want to prosecute the applicant. Applicant is a local resident. He is ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the FIR and the statement of complainant under Section 161 as well as 164 of CrPC is clear and categorical against the applicant about the commission of the offence as alleged, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The facts of the case are these, that a written complaint was given in PS-City Kotwali Kawardha on 17.2.2017, alleging in it that on 10.2.2017 applicant got hold of the hand of the complainant Shraddha Mishra intending to outrage her modesty and it was also alleged that he had acted similarly on 1 or 2 occasions before that incident. FIR has been lodged and the case is under investigation.
6. Taking into consideration the submissions made and looking to the contents of the case diary and considering this fact that the said FIR has been lodged after 7 days from the date of incident, I am of this opinion that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge