

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 513 of 2017

Dilharan Lal Bhoi S/o Late Bedul Ram Bhoi, Aged About 53 Years Occupation - Service (Assistant Development Officer Janpad Panchayat Udaypur, District Surguja) Parmanent Resident Of Village Ghutku, P. S. - Sarkanda, Tahsil, Takhatpur, District- Bilaspur (Chhattisgarh). Presently Residing At Village Udaypur P. S. & Tahsil Udaypur, District Surguja (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Thana, Udaypur, District- Surguja (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Rakesh Jha, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.10/2017, registered in Police Station -Udaypur, Baloda Bazar, District- Surguja, for alleged commission of offence under Sections 354 (घ) & 509 (ख) IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual harassment of the prosecutrix by electronic mode.
3. Learned counsel for the applicant would submit that the applicant is being falsely implicated. The prosecutrix has lodged report after 6 days of the alleged telephone call of which there is no record. He would further submit

that the prosecutrix was later on appointed. The applicant is a responsible officer and if he is arrested, he is likely to face other complications.

4. On the other hand, learned counsel for the State would submit that in view of the statement of the prosecutrix, it is clear that the applicant made indecent proposal over mobile call to her, therefore, prima facie case is made out against him.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the alleged overt act of the applicant and that at the relevant time, the applicant was the authority concerned in completing the process of selection, I am inclined to protect the applicant by granting him anticipatory bail.
6. The application is accordingly allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge