

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1109 of 2016**

1. Rambali Yadav, S/o. Dhura Yadav, aged about 30 years, R/o. Village-Kudaridihi, P.S. - Kamleshwarpur, Tahsil – Mainpat, District – Sarguja (C.G.)

(In the rejection order, the District has wrongly been mentioned as Surajpur)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Kamleshwarpur, District – Sarguja (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/01/2017**

1. Apprehending arrest in connection with Crime No.33/2016 registered at Police Station- Kamleshwarpur, District – Sarguja (C.G.), for offence punishable under Section 354 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case of the prosecution, in brief, is that a report was made by the victim on 27.09.2016 that while she was coming back from meeting, the applicant met her on the way and tried to have sexual favour, which was refused. Subsequently, the applicant caught hold of the victim and torned her sarri, pressed her breast and tried to commit forceful sexual intercourse and when the victim raised the alarm, the applicant fled away. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and in fact the applicant and the complainant they are the neighbours and there are some old dispute are existing, therefore, false allegations have been attributed. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents, statement as also the medical report. Considering the statement and the medical report, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge