

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 915 OF 2017

Tripan Ram Jaiswal, S/o Lt. Shri Gaywi Prasad Jaiswal, aged about 59 years, R/o Ganiyari Road, Waidhan, P.S. Waidhan, District Singrauli (M.P.)

... Applicant

versus

State of Chhattisgarh, through Police Station, Chandni, District Surajpur (C.G.)

... Non-applicant

For Applicant	:	Mr. Shushil Dubey, Advocate.
For Non-applicant/State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/12/2017

1. The present is an application under Section 438 of CrPC seeking for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No.30/2017, registered at Police Station- Chandni, District- Surajpur, for the offence punishable under Sections 450, 506, 354 of IPC and Sections 7 & 8 of the POCSO Act, 2012.
2. As per the prosecution case, allegation against the Applicant is that on 28.3.2017 he is said to have tried to outrage the modesty of the younger sister of his daughter-in-law.
3. Learned Counsel for the Applicant submits that there is a considerable delay in the lodging of the FIR and that there is no proper explanation given for the delay caused in the lodging of the complaint. He further submits that even otherwise the story is not believable, for the reason that the room in which the alleged incident is said to have occurred two real uncles of the victim were also sleeping and therefore she could have easily raised an alarm which could have awakened them. He thus prayed for the anticipatory bail to the Applicant.

4. Learned Counsel for the State however opposing the anticipatory bail application submits that the victim in the instant case is a minor girl and that there is no reason to disbelieve her version and therefore considering the nature of complaint, the Applicant does not deserve for anticipatory bail.

5. Taking into consideration the fact that the room in which the incident has occurred two real uncles of the victim were also sleeping and yet there was no sort of resistance from the victim raising an alarm which could have awakened her uncles, the story of the prosecution prima facie seems to be doubtful. Moreover, there is no proper explanation for the delay of three months which has occurred in the lodging of the complaint.

6. Considering the facts and circumstances of the case, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

7. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No.30/2017, registered at Police Station- Chandni, District- Surajpur, for the offence punishable under Sections 450, 506, 354 of IPC and Sections 7 & 8 of the POCSO Act, 2012, 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.

Sd/-

(P. Sam Koshy)
Judge

/sharad/