

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 90 of 2018**

Chandar Yadav S/o Laxminarayan Yadav Aged About 20 Years Caste Yadav, R/o Main Road, Ward No. 16 Janjgir (Wrongly Mentioned As Janjgir In Impugned Order), Police Station Janjgir, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station, Janjgir, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nitesh Shrivastava, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 463 of 2017, registered at Police Station – Janjgir, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Sections 294, 506, 354, 323 and 427/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant for the offence under Section 354 of the IPC, whereas rest of the offences

registered against the applicant are bailable in nature. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case against this applicant, on 24.11.2017, in the reception party of a marriage, the victim in this case was present, where the applicant and others were also present. During the reception, all of a sudden the supply of electricity got tripped and in that darkness the victim was caught hold by some unknown person and he outraged her modesty. Then that person was chased and caught but this applicant came in the way to intervene and assault and thereafter, the brother of the victim and others were injured by this applicant and other persons. After lodging of FIR, the case has been registered.

7. Considering the nature of allegation against this applicant, who is not involved in outraging the modesty of the victim girl in this case, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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

executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 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/-

(Rajendra Chandra Singh Samant)
Judge