

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 787 of 2017

Gokul Prasad S/o Shobharam, Aged About 66 Years
Caste Mahkul, R/o Village Baturakachhar, P.S.
Pathalgaon, Civil And Revenue District Jashpur,
Chhattisgarh, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer,
Police Station Patthalgaon, Civil and Revenue District
Jashpur, Chhattisgarh, Chhattisgarh --- **Respondent**

For the applicant : Mr. Jitendra Shrivastava, Advocate.
For the State : Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2018

1. Apprehending arrest in connection with Crime No. 138 of 2017 registered at Police Station Patthalgaon, Distt. Jashpur (C.G) for the offences punishable u/ss 354 & 506 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the victim that on 13.07.2017 while she was grazing cattle the applicant came there, caught hold of her and wanted to fulfill his sexual desire which was objected by the prosecutrix, on which, she was abused and threat was extended, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is Patel of the village and the FIR is delayed by 3 days and on 15.07.2017, the applicant had made a report against the prosecutrix and their family members

as the allegations were claimed on the applicant that because of him few of the family members of the prosecutrix were arrested by the police. He referred to Annexure A-3 and submits that after the report was made by the applicant on 15.07.2017, false allegations have been made on 16.07.2017 and no plausible explanation has been given for such delay, therefore, the applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of victim and the statement of one of the witnesses. Considering such statements and the age of the applicant who is shown to be 66 years and further considering the case diary documents and facts situation of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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