NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 998 of 2017

Hemant S/o Bhuwan Patel, Aged About 22 Years R/o Village Timarlaga, Police Station And Tahsil Sarangarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarangarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Shri J. R. Verma, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer
For complainant	:	Shri Naveen Yadav, Advocate

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

Order On Board

03/01/2018

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.530/2017, registered in Police Station -Sarangarh, District -Raigarh, for alleged commission of offence under Sections 354, 354 (D) (1), 294, 506, 323, 34 IPC.

2. Case of the prosecution, in brief, is that when the prosecutrix had gone out of residence in the night to respond to call of nature, the applicant came there and caught hold of her hands with intention to outrage her modesty.

3. Learned counsel for the applicant would argue that the applicant is falsely implicated and the complainant was misled to implicate the applicant. Learned counsel for the applicant would argue that the complainant herself has appeared before the Court through her counsel and filed an affidavit that the complaint against the present applicant was because she was misled and she

would have no objection to grant of bail to the applicant.

4. On the other hand, learned counsel for the State, opposing the bail application, submit that the statement of the prosecutrix recorded under Section 164 CrPC before the Magistrate, make out a prima facie case, therefore, the applicant is not entitled to anticipatory bail.

5. Learned counsel for the complainant submits that the complainant has submitted an affidavit before the Court that the complaint against the applicant was because of the act of misleading and she has no objection to grant of bail to the applicant.

6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the affidavit of the complainant filed before this Court that her allegation against the applicant is based on she having been misled and that she has no objection to grant of bail to the applicant, I am inclined to allow the application.

7. 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.20,000/- 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

Praveen