

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 339 of 2018

- Golu Manikpuri S/o Parmeshwar Manikpuri Aged About 22 Years
R/o Bandhwapara, Sarkanda, Police Station Sarkanda, District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh. Through the Station House Officer, Police
Station - Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Gautam Khetrapal, Advocate
For Respondent/State	: Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.04.2018

1. Heard this anticipatory bail application out of turn for the reason that marriage of the applicant's cousin sister is to held on 25.04.2018.
2. Apprehending arrest in connection with Crime No.126/2018 registered at Police Station- Sarkanda, Bilaspur, District – Bilaspur (C.G.), for offence punishable under Section 354 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
3. It is submitted on behalf of the applicant that this applicant has been falsely implicated in this case. Only the offence under Section 294 of IPC is made out against the applicant. There is no ingredient of the offence under Section 354 of IPC. Therefore, the counsel

prays that, the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the bail application and submitting that according to the statement given by the witnesses on the date of incident this applicant was abusing the victim which was objected to by victim herself, because of which, he caught hold of her hand and also beaten her, hence, it is a clear case for the offence of under Section 354 of IPC, no case is made out for grant of anticipatory bail.
5. The case of prosecution is briefly discussed above in the submission made by counsels for the parties.
6. Considering that there is no specific statement of witnesses about intention to outrage the modesty of the victim present in the case diary, for this reason, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
7. 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. The applicant 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/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.

C.C.Today.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal