

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 717 of 2018

- Dinbandhu Khaparde S/o Bhagrati Khaparde, Aged About 61 Years, 6 Months, Occupation Principal Of Govt. Higher Secondary School, Kotatara, Resi, Of Ekta Nagar, Govindpur, Kanker, P.S. And District, North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station House Incharge, Police Station Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Shrivastava, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.181/2018 registered at Police Station-Kanker, District – Kanker(C.G.), for the offence punishable under Section 354 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case for the reason that this applicant has lodged FIR against son of the prosecutrix and the same day i.e. 15.5.2018 about stabbing the applicant, because of which as a

counter blast the prosecutrix has lodged FIR, which shows concoction, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the statement given by this applicant in crime No.180/2018 is this, that accused in that case made allegation against the applicant that he has outraged the modesty of his mother and then stabbed him which confirms allegation against the applicant in this case, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date and time of the incident this applicant caught hold of the prosecutrix and then made an indecent proposal to her subsequent to which FIR has been lodged in this case.
6. Considered on the material present in the case diary and perused the case diary of counter case of crime No.180/2018, in which the applicant is the complainant. The FIR was lodged against the applicant is subsequent, although the incident that had taken place was of date 14.5.2018. After due consideration on all the facts and circumstances of the case, I am of this view that this is a fit case where applicant should be grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 them by the said Court till disposal of the trial.

(Rajendra Chandra Singh Samant)
Judge