

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 856 of 2018**

Aatmaram Sahu, S/o. Chowaram Sahu, Aged About 42 Years, R/o. Village
Torla Police Station Patewa, District Mahasamund Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Patewa, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.67/2018, registered at Police Station – Patewa, District – Mahasamund (C.G.) for offence punishable under Section 354 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is working as Panchayat Secretary and the complainant is employment assistant. The applicant has made several complaint against her for not performing her duties properly because of which applicant has forwarded proposal to the gram panchayat to remove the victim from the service, hence as a counter blast to the action

taken by the applicant, she has made totally false complaint against him. The applicant has never outraged or attempted to outrage the modesty of the victim in this case. He is reputed person in the area. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the statement given by the victim herself, there is prima-facie case against the applicant, hence, he is not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Victim in this case has filed a written complaint in the police station, which was enquired into and allegation made against the applicant was found correct in that enquiry, that this applicant by threatening the victim, who was an employment assistant in Panchayat that he will remove her from the service taken advantage of this situation to outrage her modesty on number of occasions.
6. Perused the documents that have been filed by the applicant along with the application, which shows that this applicant has also moved some complaint against the victim of this case, but the complaint against the applicant itself speaks that the victim was put under threat of removal from the service and then the offence was committed by taking advantage of her situation. Hence, after due consideration, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram