

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 908 of 2018

- Serajuddin S/o Late Md. Saadik, Aged About 65 Years, R/o Village Mahuwadhih, P.S. Shankargarh, District Balrampur-Ramanujanj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujanj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri A.K. Prasad, Advocate.

For Non-applicant/State – Shri Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-09-2018

1. Apprehending arrest in connection with Crime No.152/2018, registered at Police Station – Shankargarh, District Balrampur-Ramanujanj, Chhattisgarh for offence punishable under Section 294, 506, 323, 354 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had moved various complaints against the husband of the victim/complainant regarding his interference in the property of the applicant on earlier occasions, copy of those complaints are attached with the application. At the time of incident simple scuffle has taken place between the applicant and the complainant/victim, which is given colour of offence of outraging modesty of the victim which is totally uncalled for. The applicant is an old person of age 65 years. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence on record showing commission of the offence by the applicant, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. An incident has taken place in the agricultural fields of the applicant where the complainant was present, in which, it is alleged that this applicant firstly assaulted and thrashed the complainant/victim with club and then pulled her saree and outraged her modesty. Hence, this case.

6. Considered on the entire material present in the case diary. The dispute regarding land between the applicant and the complainant party is not disputed. Secondly, the incident has taken place on the property of the applicant where for simple reasons the applicant had right to object regarding presence of the complainant with whom he had a dispute. Hence, for these reasons and also for the reason that the applicant is an old person of age 65 years, I am of this opinion that he should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil