

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1059 of 2018

- Arjun Tamboli S/o. Banshilal Tamboli, Aged About 37 Years, R/o Karnod, P.S.- Birra, District Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through District Magistrate- Janjgir District -Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rishikant Mahobia, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2018

1. Apprehending arrest in connection with Crime No.105/2018, registered at Police Station – Birra, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 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 on account of previous enmity with the family members of the victim as the applicant had lent amount of Rs.1500/- to the father of the victim regarding which the family members of the victim came to his house on 31-07-2018 and quarreled with him and threatened that they will implicate him in a false criminal case. A written complaint has been given by this applicant on 02-08-2018 and similarly a complaint has been given by the wife of this applicant on 04-08-2018 before the Superintendent of Police Janjgir-Champa. Hence, to create a defence the victim has lodged the false FIR against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that the victim in this case has made clear statement against the applicant about commission of offence of outraging the modesty. Hence, no case is made out for grant of anticipatory bail.

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

5. A written complaint has been given by the complainant on 02-08-2018 stating that on the date of incident she had been to the house of this applicant to repay the amount of loan and collect the article pledged. On finding her alone the applicant with ulterior motive caught hand of the victim, pulled her towards him and touched her cheeks with intent to outrage her modesty and also abused her. Hence, the FIR has been lodged in this case.

6. Considering on the entire material present in the case diary, the evidence present in this case and the explanation about the delay in lodging the FIR, I do not feel inclined to grant anticipatory bail to this applicant.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

and Dataram Singh Vs. State of Uttar Pradesh & Anr., reported in 2018 LawSuit(SC) 84,
2018 (3) SCC 22