

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1046 of 2018

- Gangadhar Mehar S/o Chandrabhan Mehar Aged About 40 Years
Caste Kosta, R/o Palace Road, Kostapara, Narsing Mandir Gali
(Wrongly Mentioned As Galali In Order Sheet), District Raigarh,
Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bagbahar, District
Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.82/2018 registered at Police Station-Bagbahar, Kunkuri, District – Jashpur(C.G.), for the offence punishable under Section 354 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The victim in this case has not made any complaint by her signature to the police-station or any other authority, and she has similarly given statement to the police as well. Hence, it is prayed that he may be released on anticipatory

bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the complaint made by Smt. S. Minj, Block Education Officer, Patthalgaon, an oral complaint was made by the victim to the teachers, and on enquiry, it was found that the applicant had outraged her modesty. Intimation was given to the complainant, hence, she has lodged this FIR against the applicant.
6. On perusal of the contents of the case diary, it appears that the victim in this case has though supported the allegation against the applicant in her statement recorded under Section 161 CrPC, but in her statement which is recorded subsequently under Section 164 CrPC, she has made a totally different statement on account of which, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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 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 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha