

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1048 of 2018

- Ashish Kumar S/o Rupau Ghritlahre Aged About 22 Years R/o Village Darchura, Police Station Simga, Civil And Revenue District - Baloda Bazar - Bhatapara (C.G.), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. - Simga, Civil And Revenue District Baloda Bazar - Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate.
For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.234/2018 registered at Police Station- Simga, District – Baloda Bazar(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 the crime in question. The story of the complainant itself is a totally improbable, that any person may try to outrage the modesty of woman in presence of numerous persons. A false FIR has been lodged by the victim of this case on account of

previous enmity with the applicant. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that there is clear statement of the victim against the applicant about commission of offence committed by him. Hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The case of prosecution is this, that this applicant entered into the Anganbadi Centre, where the victim who happens to be Aanganbadi Sahayika, was teaching the children and then he caught hold her hand and thus outraged her modesty. It was at that time, the husband of the victim came on the spot and the FIR has been lodged.
6. Considering on entire material present in the case diary, the question raised on the probabilities of the incident complained of is to be answered in the investigation. After due consideration, I am of this view that this is a fit case where the applicant should be enlarged on 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/- each 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