

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1071 of 2018

- Amman Jaliawala S/o Shri Aslam Jaliawala Aged About 21 Years Student, R/o Ashoka Height, Flat No.- 405, 3rd Floor, Mowa, Police Station Pandri, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pandri, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. J.K. Gupta, Advocate.
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/10/2018

1. Apprehending arrest in connection with Crime No.191/2018, registered at Police Station –Pandri, District – Raipur(C.G.) for offence punishable under Sections 342, 354, 384, 506 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 victim in this case has lodged a totally false FIR to implicate of this applicant in offence which he has not committed. Infact the incident had been

this, that the victim of this case who was employed of house hold help in the house of the applicant had stolen some cash amount from his house, regarding which when he inquired about it she called her husband and in their presence, the victim admitted about stealing the cash amount, because of which the husband of the applicant has given in writing a promise to pay back the amount stolen by the victim. In the subsequent development, false FIR has been lodged. The father of the applicant is a Cancer patient because of which applicant had to constantly remain in his attendance who has getting treatment in Bombay. Hence, it is prayed that applicant 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 victim and other witnesses, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. In the FIR lodged on 10.5.2018 by the victim it is alleged that on 9.5.2018, the applicant called the victim to his house for house hold works and it was at that time he exceeded his liberty and outraged the modesty of the victim. Subsequent to that, it is alleged that the victim was shut down inside the room till her husband came and then by way of extortion the husband of the victim was compelled to write down the note making a promise to pay Rs.70,000/- to the applicant. Hence, this case.
6. The probability of this case needs detailed examination whereas the applicant has also a parallel story which finds support from the

note admittedly written by the husband of the applicant. After due consideration on all the material present on record, I am of this opinion that the applicant should be enlarged on anticipatory bail.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 his 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 applicants 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_