

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1099 of 2018

- Anil Kumar Gupta S/o Dwarika Gupta, Aged About 38 Years, Occupation Service, R/o- Ramanujganj, Ward No.08, P.S. Ramanujganj, District- Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Chalgali, District- Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2018

1. Apprehending arrest in connection with Crime No.22/2016, registered at Police Station – Chalgali, District- Balrampur Ramanujganj, Chhattisgarh for offence punishable under Section 354, 294, 506 of the IPC and Section 3(1-11) of S.C. & S.T. (Prevention of Atrocities) Act, 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 by the victim who happens to be associated with Deepak Gupta and others who are rival party in the village. The applicant had lodged FIR against Vipat Gupta and two others on 01-06-2016 at 15.00 p.m. The accused persons in this case have in counter blast made a tool of the victim for lodging the FIR against the applicant on the same day in the evening at 06.00 p.m. A complaint was made by the sister-in-law of the applicant to police that the applicant has been falsely implicated in this case, regarding which an enquiry has been conducted and report has been submitted by the Additional S.P. of police on 25-06-2016 that a false FIR has been lodged against this applicant. Hence, under these circumstances, 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 FIR that has been lodged against Vipat Gupta and others and the incident in this case are totally unconnected, the victim has clearly made allegation against the applicant regarding her modesty being outraged by this applicant. Hence, no case is made out for grant of anticipatory bail.

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

5. The victim is a member of Scheduled Castes, on the date of incident at about 10.00 a.m. in the morning she was standing in the queue of shrine to offer pooja. The applicant was standing by her side and then he elbowed on her breast and pushed her. When the victim objected to it the applicant abused her, threatened her and insulted her by mentioning her social status. Hence, this case.

6. Considered on the entire material that is present in the case diary and also considering the enquiry that has been made and the enquiry report supports the other story developed by the applicant, hence, after due consideration, I am of this opinion that it would be appropriate to grant anticipatory bail to the applicant.

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