

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1145 of 2018**

Champu @ Chandan Patel S/o Late Roshan Lal Patel Aged About 22 Years
R/o- Village Kandhai, Tahsil And District- Bemetara, Chhattisgarh., District :
Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Bemetara, District- Bemetara,
Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Otvani, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 324 of 2018, registered at Police Station – Bemetara, District – Bemetara, Chhattisgarh for the offences punishable under Sections 354, 323 and 456 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix/ victim has named this applicant only for the reason of suspicion which is reflected in her statement under Section 164 of the Cr.P.C. It is further submitted that the father of the

prosecutrix had appeared before the Court below to make a statement of no objection in grant of anticipatory bail to the applicant, which was not considered. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that he committed the offence of house trespass in the house of the victim on the date of incident and then outraged her modesty and also assaulted and injured her. The victim in this case is a minor girl. Hence, this case.

7. After due consideration of all the material present in this case and also the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application 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 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 them 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