

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1193 of 2018

- Amrik Singh S/o Late Banta Singh Aged About 75 Years R/o 228, Malviya Nagar, Durg, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.
For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.319/2009 registered at Police Station-Mohan Nagar, District – Durg(C.G.), for the offence punishable under Sections 456, 354 & 354(A) of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is 75 years old man and he is physically incapacitated, as he has undergone surgery

for replacement of both the knees, because of which he unable to walk properly. The allegations that have been made by the victim in this case are totally false and a totally improbable story has been brought forth by her. It is also submitted that the victim had come to stay in the house of the applicant as paying guest just two days before and as she did not want to pay for the same, she had made this false allegation against him, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation against him, hence, the application be rejected.
4. Heard the parties and perused the case diary.
5. A written complaint has been given by the victim in the police station, that she was a tenant in the house of applicant as paying guest. Just after two days when she had been to kitchen for making tea, the applicant caught hold of her and kissed her cheek and then talked in obscene manner. Later on, when she was changing clothes in the room, the applicant came inside without knocking and tried to engage her in obscene talk. Then on another occasion, she had to go to the ground floor for some reason, the applicant again caught hold of her and kissed her because of which she had to shut herself in the bathroom and call her friends, subsequent to which the complaint was given.
6. The age and condition can not be made a ground for relief in such a case and looking to the contents of the case diary, it does not appear that there was any dispute regarding the tenancy or payment of rent, for these reasons, I am not inclined to grant anticipatory bail to the

applicant.

7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha