

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 684 of 2017**

Dilip Das, S/o. T.N. Das, Aged About 28 Years, R/o. House No. B/209
Adarsh Nagar, Kusmunda, Thana -Kusmunda, District -Korba,
Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station
-Kusmunda, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.R.J. Jaiswal, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/01/2018**

1. Apprehending arrest in connection with Crime No.99/2017, registered at Police Station – Kusmunda, District – Korba (C.G.) for offence punishable under Section 354 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. Subsequent to lodging of FIR, prosecutrix herself has entered into compromise with the applicant and thereafter, she herself filed an application before the Court of Additional Sessions Judge, Katghora praying that she has no objection, if the, applicant is granted anticipatory

bail. Certified copy of the application has been produced. Hence, under these circumstances, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicant is this that he had on various occasions, whenever he used to find the victim alone, has outraged her modesty by using force on her and has also threatened to cause her death. On the basis of information given by the victim, FIR has been lodged against the applicant.
6. Counsel for the State was directed to verify about the compromise that has taken place between the applicant and the victim of this case. Report submitted by the SHO, Police Station – Kusmunda to the Office of Advocate General has been produced for perusal, which confirms that compromise that has taken place between the applicant and the victim in this case.
7. Considered the submissions made and the contents of the case diary. Looking to the development of things that has taken place subsequent to lodging of FIR particularly the compromise as reported by the concerned police station, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram