

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1322 of 2018

- Pawan Agrawal S/o Babu Lal Agrawal Aged About 49 Years R/o Mahuwapali Road, Kharsiya, P.S. Kharsiya, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.507/2017 registered at Police Station- Kharsiya, District – Raigarh(C.G.), for the offence punishable under Sections. 354A, 354B, 506 & 323(the offence Section 326 is wrongly mentioned which is actually Section 323 of IPC) of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The victim has lodged totally false FIR against the applicant, regarding which she realized and has made a statement under Section 164 of CrPC which is totally

a different version and, further, she has also given an application in police-station-Kharsiya making a prayer, that she does not want any proceeding on the FIR lodged by her, hence, under these circumstances, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged this applicant has outraged the modesty of the victim and when she objected to it he threatened her and also assaulted and injured her causing simple injuries. Hence, this case.
6. On perusal of the statement of victim under Section 164 of CrPC and the copy of the application that has been filed in the police-station-Kharsiya, I am of this view that this is a fit case where applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha