

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 964 of 2017**

Vijay Kumar Nag S/o Shobharam Aged About 42 Years R/o Village Palana Chowki Banskot Tahsil Vishrampuri District Kondagaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Throgh The Police Station Vishrampuri District Kondagaon Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.

For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2018**

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. 81 of 2017, registered at Police Station – Vishrampuri, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 354 and 454 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is a government servant and he is suffering from mental disorder since year 2013

and he is presently undergoing treatment. The documents have been filed in support of this treatment and as such, no case is made out against the applicant. Hence, it is prayed that the applicant be entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation made by the victim against the applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. On the date of incident, finding the victim alone in her house, the applicant who is a teacher caught hold of her hand and kissed her. After lodging of FIR, the case is under investigation.

7. Considering the submissions made and the contents of the case diary, the documents filed alongwith the application showing that the applicant is under treatment for the disease of mental disorder in the year 2013, he was still undergoing treatment on the date when the offence was committed and he is a government teacher, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of pre-arrest 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. He 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 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