

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1165 of 2017

A. K. Vishwas S/o Late R. B. Singh, Aged About 59 Years, Occupation Service (Personnel Manager) S. E. C. L. Presently Residing At Korba Area District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Charcha Colliery, Baikunthpur District Koriya Chhattisgarh

---- Respondent

For applicant – Shri Sudhir Bajpai, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/03/2018

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 132/2017 registered at Police Station Charcha, Baikunthpur, District Koriya (C.G.) for offence punishable under Sections 354, 509 of IPC (earlier registered u/s 354-A of IPC)
2. As per the prosecution case, a report was lodged by the complainant/prosecutrix that she was working as a peon in SECL and on 25/01/2017 while she was working in the section applicant came there caught hold of her touched her breast and also made obscene gestures. Further same thing was repeated on 28/01/2017 for which a report was eventually made on 9/09/2017.
3. Learned counsel for the applicant submits that the FIR is grossly delayed by 8 months and submits that the prosecutrix was subjected to departmental enquiry for disciplinary action and the applicant was In-charge of that. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Perused the case diary and the documents. FIR appears to be delayed by 8 months. Further document filed by the applicant charge sheet dated 31/01/2017 is on record which shows that the prosecutrix was charge sheeted for misconduct and indiscipline in the office. Considering the totality of the fact it appears that the prosecutrix was subjected to departmental enquiry and FIR is delayed by 8 months, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 his 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) 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/-
(Goutam Bhaduri)
JUDGE

