

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1565 of 2018

1. Sanjay Kumar Baghel S/o Ramesh Kumar Baghel, Aged About 23 Years, R/o- Village Akola, Jamora, Police Station and Tahsil Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Prem Prakash Chouhan S/o Santram Chouhan, Aged About 23 Years, R/o- Village Akola, Jamora, Police Station And Tahsil Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Dabhra, Civil And Revenue District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri B.M. Roy, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-12-2018

1. Apprehending arrest in connection with Crime No.409/2018, registered at Police Station – Dabhra, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 456, 354, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. At the outset, learned counsel for the applicants prays to withdraw the application for grant of anticipatory bail filed on behalf of applicant No.1 Sanjay Kumar Baghel.
3. Accordingly, the application of applicant No.1 Sanjay Kumar Baghel for grant of anticipatory bail is dismissed as withdrawn.
4. It is submitted by learned counsel for applicant No.2 Prem Prakash Chouhan that this applicant has not committed any offence, even then he has been falsely implicated in this case. The victim herself has not given such statement that this applicant had acted in outraging her modesty. Therefore, it is prayed that applicant No.2 Prem Prakash Chouhan may be benefited with

grant of anticipatory bail.

5. Learned counsel for the State/non-applicant opposes the argument and submission made by learned counsel for applicant No.2.

6. Heard learned counsel for the parties and perused the case diary.

7. It is alleged that on the date of incident, applicant No.2 Prem Prakash Chouhan along with co-accused applicant No.1 Sanjay Kumar Baghel arrived at the house of the victim and then finding her alone they extinguished the electrical light and then co-accused Sanjay Kumar Baghel by trespassing into the house of the victim by force outraged her modesty. Hence, this case.

8. As there is no specific allegation against applicant No.2 regarding outraging modesty of the victim, I am of this view that he should be benefited with grant of anticipatory bail.

9. Accordingly, the prayer made by applicant No.2 Prem Prakash Chouhan for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant No.2 Prem Prakash Chouhan 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil