

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1616 of 2018**

Lalu Prasad Sahu S/o Sunder Lal Sahu Aged About 21 Years R/o Village- Katangikila, Police Station And Tahsil- Khairagarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri C.K. Kesharwani, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2018**

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. 331 of 2018, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offences punishable under Sections 354 and 294 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the statement given by the victim, no case is made out against the applicant. There appears to be no act of outraging modesty committed by this applicant. In fact because of the

rush in the Mata Pooja, this applicant has accidentally touched the victim which does not amounts to any offence. It is also submitted that this applicant has been selected for the post of constable in police and in case, he is arrested and detained, this will affect his career and future life. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant and the victim has made clear statement against the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to FIR lodged, it is alleged that this applicant caught hold of the hand of the complainant/ victim with intention to outrage her modesty and when she objected to it, this applicant abused her with filthy words. Hence, this case.

7. Considering the entire material present in the case-diary and for the only reason that arrest of the applicant will affect his future prospect and also the act alleged to have been committed by him, I feel inclined to grant anticipatory bail to the applicant.

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. 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 them 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