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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 88 of 2019**

Vijay Agrawal S/o Late Prahlad Agrawal Aged About 49 Years R/o Mungeli Road, Bilaspur, Thana Civil Lines, Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Civil Lines, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.02.2019**

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. 363 of 2018, registered at Police Station – Civil Lines, District Bilaspur, Chhattisgarh for the offences punishable under Section 354, 454 and 506 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 has been falsely implicated in this case for the reason that the mother of the prosecutrix who was working as a maid in the house of the applicant had

borrowed Rs.10,000/- from him. As the same was not being refunded despite demands made, this false complaint has been filed against the applicant. The applicant himself is suffering from various ailments and the prosecutrix has come forward with a totally improbable case against him. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the age of the victim is nearly 15 years and there had been a prompt FIR lodged by her. The other witnesses have also supported the incident. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. As alleged, on the date of incident this applicant came to the house of the victim and finding her alone by use of force, he outraged her modesty and when the victim objected he also threatened her. Hence, this case.

7. After considering the material present in the case-diary, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge