

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 268 of 2019**

Daneshwar Kumar Sahu, S/o. Neelam Kumar Sahu, Aged About 26 Years,
R/o. Village Narra, Police Station Balod, Tahsil and District Balod
Chhattisgarh.

----Applicant***Versus***

The State Of Chhattisgarh, Through : Station House Officer, Police Station
Balod, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amit Kumar Sahu, Advocate
For Respondent/State	: Mr. Mahesh Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/03/2019**

1. Apprehending arrest in connection with Crime No.33/2019, registered at Police Station – Balod, District – Balod (C.G.) for offence punishable under Section 354, 294, 506 of the Indian Penal Code, Section 7 & 8 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (1) z, 3 (2) w of S.C. & S.T. (Prevention of Atrocity) Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. Totally false FIR has been lodged against this applicant only on the basis of previous enmity. The Court below has observed in its order rejecting bail that there is evidence of previous enmity between the applicant and the complainant party. The applicant has also lodged FIR against the father and brothers of the complainant

regarding the incident that has taken place on the same date. Copy of the FIR is attached as Annexure A-2, which shows the false implications of the applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the victim in this case has lodged FIR as well as given statement under Section 161 and 164 of Cr.P.C. according to which, the applicant has committed the offence as alleged. Therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged and the statement given on the date of incident, the applicant with intention to outrage the modesty of the minor victim, who is a member of scheduled caste and used criminal force on her, abused her and threatened her. Hence, this case.
6. Considered the submissions made and the contents of the case diary. There is direct evidence against the applicant regarding commission of offence as alleged in the FIR, therefore, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge