

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 403 of 2019

- Prakash Sonwani S/o Kamal Prasad Sonwani, Aged About 20 Years, R/o Village Bishunpur, Police Station Charcha, Tahsil Baikunthpur, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sector-Charcha, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Tarendra Kumar Jha and Shri Ganesh Ram Barman, Advocates.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-04-2019

1. Apprehending arrest in connection with Crime No.207/18, registered at Police Station – Charcha, District Korea, Chhattisgarh for offence punishable under Section 457, 354 of the IPC (wrongly mentioned as 380 of IPC), the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. On a report made by the applicant on 15-12-2018, one FIR has been registered against the complainant party as Crime No.202/18 registering the offence under Section 294, 506, 323, 34 of the IPC regarding the incident which had taken place on 15-12-2018 at about 00:30 a.m., on the basis of which the complainant and others are being prosecuted. Subsequent to that, as a counter blast the FIR in Crime No.207/18 has been lodged by the complainant making allegation of improbable story which is lodged belatedly on 20-12-2018. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that in the FIR lodged against the applicant serious allegations

have been made against him regarding threatening, committing robbery and outraging modesty of the victim. Therefore, he is not entitled for grant of anticipatory bail.

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

5. According to the FIR lodged in this case, in the midnight of 15-12-2018 the applicant along with his associates committed lurking house trespass in the house of the complainant and by keeping the complainant and others at the point of knife committed robbery of cash Rs.30,000/-. The applicant then by use of criminal force outraged the modesty of the victim. A complaint was given by the complainant on 15-12-2018, but the FIR was recorded on 20-12-2018.

6. It is not a case of belated lodging of the FIR and looking to the allegations against the applicant, I do not feel inclined to allow this application.

7. Accordingly, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge