

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 452 of 2019

- Rupesh Mehar S/o Ashok Mehar, Aged About 24 Years, R/o Bholiyapara Sariya, Police Station- Sariya, Tahsil- Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Sariya, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.D. Guru, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-03-2019

1. Apprehending arrest in connection with Crime No.14/2019, registered at Police Station – Sariya, District- Raigarh, Chhattisgarh for offence punishable under Section 354, 354(घ) of the IPC, 3 (1) द (3) 1 घ, 3 (2) (5) क of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 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. The applicant and the complainant both had relationship since about 1 to 2 years. The complainant herself is a police constable who has stated that the date of incident is 03-01-2019, whereas, she has lodged the FIR belatedly on 24-01-2019, which shows concoction. The duty register of police Station Baramkela also shows that the complainant was present on duty, therefore she cannot be present on the spot when the incident occurred, which further shows that the applicant has been falsely implicated. Hence, 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 the complainant is though a police constable, she is a woman

and there is no such admission made by her that she had any relationship with the applicant. The application is based on a totally false ground, therefore, it is prayed that it may be rejected.

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

5. The complainant/victim has lodged the FIR alleging that on 03-01-2019 when she came to her residence at about 06:30 p.m. in the evening the applicant without her permission entered into her house and then by using physical force touched her body objectionably and kissed her and also tore her clothes, when the complainant attempted to raise alarm, he threatened her that he has some obscene video which he will make viral. It is also alleged that the applicant had been continuously stalking the complainant since past some time.

6. The argument raised by the applicant shall be required to be proved in defence, but, for the present, I am of this opinion that no case is made out for grant of anticipatory bail to the applicant.

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