

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 989 of 2019**

- Rajkumar Gayakwad S/o Ramdas Gayakwad, aged about 40 years, R/o Village- Pendri, Thana- Bemetara, Tahsil-District- Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh - Through : Police Station Bemetara, district Bemetara (C.G.)

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate.
For Respondent.	:	Shri Anan Bajpai, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/08/2019**

1. This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail on the ground that applicant was falsely implicated in the present case by the prosecutrix and applicant lodged an FIR against the father of the prosecutrix related to Crime No. 279/2019 at Police Station Bemetara District Bemetara (C.G.), for commission of the offence punishable under Sections 294, 323, 506/34 of IPC therefore, counter case was registered against him.
2. Case of the prosecution is that, complainant lodged the report against applicant that when the prosecutrix was alone in her home, applicant entered the house with intention to outrage the modesty of complainant. Applicant caught hold of the hand of the prosecutrix and threw her *Dupatta* on the road and when she

objected, she was threatened for dire consequences by the applicant. Complainant filed FIR against the applicant and the case was registered under Sections 345, 294, 506 II IPC and Sections 8 & 12 of POCSO Act 2012.

3. Learned counsel for the applicant submit that the applicant has been falsely implicated in this case. He further submits that the applicant is a 40 years old person and have no previous criminal antecedent and if he is arrested in the present case, he will suffer irreparable loss. He further submits that Applicant filed a copy of FIR (A/2) which shows that wife of applicant lodged a complaint against two persons namely Ramu Satnami and Lucky Satnami on 29.05.2019 at 12:20 PM. But the timing of the registration of FIR related to Crime No. 279/2019, which was lodged against the applicant, was at 06:35 on 29.05.2019, which clearly shows that the FIR registered against the applicant was a counter FIR to falsely implicate the applicant.
4. Counsel for the State however opposes the application for anticipatory bail.
5. I have heard learned counsel both the parties and perused the case-diary.
6. Looking to the facts and circumstance of this case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- each with

one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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 as to dissuade him/her 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/-
(Rajani Dubey)
JUDGE