

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1097 of 2019

- Gautam Sai Paikra S/o Pahar Sai Paikra, Aged About 50 Years, Caste-Kanwar, R/o Village- Kadelkachhar, Police Station- Tapkara, District-Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Officer-in-Charge, Police Station-Pharshabahal, District - Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Mahesh Pandey and Shri Sanjeev Kumar Sahu, Advocates.

For Non-applicant/State – Shri Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2019

1. Apprehending arrest in connection with Crime No.50/2019, registered at Police Station – Pharshabahal, District - Jashpur, Chhattisgarh for offence punishable under Section 354 of the 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. It is because of previous enmity this false FIR has been lodged against the applicant. Various complaints have been made against the mother of the victim regarding her unbecoming conduct. Copy of the complaints and the posts in social media are filed. The story of the complaint is totally improbable. Further, the FIR is also belated by more than 15 days. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is specific allegation against the applicant by the victim of the case and also the delay in lodging of the FIR has been explained sufficiently. Hence, looking to the direct evidence present, the applicant is not

entitled for grant of anticipatory bail.

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

5. The victim of this case filed a written complaint on 02-06-2019 alleging that on 17-05-2019 when she was present in a marriage ceremony at that time this applicant on pretext of putting colours on her physically touched her private parts. The victim raised alarm, then other family members arrived, they tried to pacify the victim so that she does not make complaint against the applicant and it was promised that the matter will be resolved after the marriage function is over. The family members and relatives of both the sides did not come to any conclusion till 30-05-2019 and thereafter the victim and her mother were insulted and sent out. The FIR has been lodged on the basis of this complaint.

6. After perusing the written complaint, FIR and the diary statement of the victim and also her statement under Section 164 of the Cr.P.C., it is found that there is presence of clear evidence regarding commission of offence by this applicant. The ground that has been raised may be of help to the applicant in his defence, but, that cannot be relied upon at this stage of considering the bail application. Hence, I do not find any substance in 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