

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1269 of 2019

- Banshi Lal Bhardwaj S/o Shri Bhushan Lal Bhardwaj Aged About 60 Years R/o Village Devarmal Police Station Urga Tahsil And District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Urga District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dheerendra Pandey, Advocate.
For Respondent/State	: Ms. Seema Dixit, Panel Lawyer.
For Objector	: Mr. Vikash Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 112/2019, registered at Police Station Urga, Distt. Korba, Chhattisgarh for the offence punishable under Section 354 of the IPC.
2. As per prosecution story, on 28.05.2019 at about 4:00 PM, the applicant caught hold hand of the complainant/prosecutrix and used criminal force with intention to outrage her modesty. On the said background, a report has been lodged by prosecutrix itself. On the

basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the prosecutrix in the present case. The applicant is the 60 years old person and the prosecutrix is also aged about 35 years. The entire story seems to be concocted. It is further submitted by the learned Counsel for the Applicant that there was a long longstanding dispute between the applicant, the prosecutrix and her family members, before the incident, the applicant has filed a case before Tehsildar in this regard. On the date of incident also, the applicant made a complaint before Superintendent of Police, therefore, the prosecutrix has falsely implicated the applicant. *Prima Facie* no case can be made out against him. He lastly submits that the applicant is a old reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that there was longstanding dispute between both the parties. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge