

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1417 of 2019**

- Akash Chandra S/o Baburam Aged About 27 Years R/o Village Marwahi (Purani Basti) Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Marwahi, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vinod Kumar Tekam, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****10/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 122/2018 registered at Police Station Marwahi, District – Bilaspur, (C.G.) for the offence punishable under Sections 456, 354 of I.P.C.
2. As per the prosecution story, on 09.09.2018 mother of the prosecutrix made a complaint alleging therein that on 07.09.2018 around 10' O Clock, applicant i.e. son of brother-in-law (*jeth*) of the complainant entered in her house and hold the hand of the prosecutrix and tried to outrage her modesty. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case due to some previous enmity between both the families. He further submits that, applicant is cousin brother of prosecutrix and story narrated in the complaint by complainant seems to be suspicious. He further submits that the incident occurred on 07.09.2018 and F.I.R. was lodged after a gap of two days i.e. on 09.09.2018. Looking to the above, applicant may be granted anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that said incident occurred on 07.09.2018 and F.I.R. was lodged after a gap of two days i.e. on 09.09.2018, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also

abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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