

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1450 of 2019

- Ashok Bada S/o - Marshel Bada Aged About 45 Years R/o - Village Basajhal Police Station Batauli, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Batauli, District Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Bharat Sharma, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/12/2019

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. 49/2019, registered at Police Station Batauli, Distt. Surguja (C.G.) for the offence punishable under Sections 323, 294, 506-B & 354 of the IPC.
2. As per prosecution story, on 16.05.2019, complainant lodged a complaint in concerned police station alleging therein that on 15.05.2019, she went near river for grazing animals, at that time the applicant came their and started abusing the complainant, committed *Marpeet* with her and also tried to outrage her modesty. On the basis of said complaint, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually at the time of incident, animals of the

complainant were grazing on the land of the applicant due to which standing crops of the applicant was damaged and when the applicant and his wife tried to explain the complainant about the incident and asked for compensation then the dispute arose between them and she lodged a false report against the applicant. The Counsel further submits that on 16.05.2019, a village meeting was conveyed wherein the complainant was also present, in that meeting it was found that a false report has been lodged by the complainant and for this a fine of Rs. 5,000/- has also been imposed upon the complainant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for 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 in village meeting, it was found that a false report has been lodged by the complainant and for this reason a fine of Rs. 5,000/- has also been imposed upon the complainant. Without further commenting on other merits of the case, 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. 20,000/- 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 themselves 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