

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1442 of 2019**

- Roshan Singh S/o Shri Ram Pukar Singh Aged About 29 Years R/o House No. 10, Near Kanti Darshan College, Kosa Nagar, (Dixit Colony), Supela, Bhilai, Post Office, Nehru Nagar, Bhilai, Tehsil and District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S. H. O. P. S. Bhilai Bhatthi, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 132/2019 registered at Police Station Bhilai Bhatthi, District – Durg, (C.G.). for the offence punishable under Sections 354, 294, 506 & 323 of IPC.
2. As per the prosecution story, on 07.08.2019 in the night around 1:30 a.m., present applicant called the complainant/prosecutrix, who is a girl aged about 23 years, outside from her home to talk something and asked her why she was not receiving his phone calls, thereafter used filthy abusive language on her. When the complainant opposed the same, then applicant threatened her to life and tried to molest and tamper her. Thereafter, matter was reported by the complainant/prosecutrix and 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 by the complainant. He further submits that there was a love relationship between complainant/prosecutrix and applicant. On the date of incident, father of the prosecutrix has seen her with the applicant at night therefore, due to pressure made by her father, prosecutrix has lodged F.I.R. He further submits that the entire story narrated by the prosecutrix in the F.I.R. seems to be suspicious and not reliable, hence, applicant has falsely been implicated. *Prima facie*, no offence can be made out against present applicant. Therefore, applicant may be granted benefit of 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, 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

Prakash