

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1476 of 2019**

- Gopi Ajay S/o Ram Bhagat Aged About 23 Years R/o Bhinoda, Bilaigarh, Balodabazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Sarsiva, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Shri K.K. Dewangan, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**29/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 262/2019 registered at Police Station Sarsiva, District – Baloda Bazar, (C.G.). for the offence punishable under Section 354 of Indian Penal Code.
2. As per the prosecution story, on 09.08.2019, prosecutrix, who is a married lady lodged a report alleging therein that on 08.08.2019 at around 3:00 PM while she was working in the field, the applicant made vulgar comments on her. When she raised alarm then other family members of the prosecutrix reached the spot and identified the applicant. It is further alleged that prior to this incident, applicant frequently committed same nature of offence. On the basis of the said

report, 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. He further submits that prior to the incident, prosecutrix had solemnized inter-caste marriage and had applied for the motivational amount, the present applicant has filed objection being a social worker in respect of the said application alleging that prosecutrix solemnized second marriage without divorce from the first husband, therefore, she is not entitled to get motivational amount. Thereafter, application of the prosecutrix was rejected. Thus, to take revenge, prosecutrix has falsely made the report. Looking to the above, it is prayed that 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/her 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 his/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge