

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1481 of 2019

- Shivam Agrawal S/o Manoj Agrawal Aged About 24 Years R/o Mohalla Kundla, Vasundhra City Police Station Ambikapur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Singh Rathore, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2019

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. 412/2019, registered at Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 294, 323, 506, 324 & 354 of the IPC.
2. As per prosecution story, the complainant is the real aunt of the applicant. She made report in police station alleging therein that on 07.07.2019 at about 8 PM, the applicant asked for vehicle keys to the complainant's husband and when he denied, the applicant started abusing him and committed *Marpeet* with him and when the complainant tried to intervene, the applicant beaten her and tore her clothes also. On the basis of report lodged by the complainant,

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. He further submits that false allegations have been made by the complainant against the applicant. Initially offence under Section 354 of the IPC not added earlier. Apart from Section 354 of the IPC, all offence are bailable in nature. He further submits that no offence under Section 354 of the IPC can be made out against the applicant. The applicant is the nephew of the complainant and a reputed person of his society. 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 offence under Section 354 of the IPC not added earlier and later on the same was added in the matter. 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. 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