

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1568 of 2019**

- Deepak Pansari S/o Thaneshwar Pansari Aged About 26 Years R/o Tulsipur, Sangam Chowk, Rajnandgaon, Tahsil and District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Mahila Prakosth Thana Sector-6, Bhilai, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.D. Guru, Advocate.
For Respondent/State	: Ms. Shriya Mishra, 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. 68/2019 registered at Police Station Mahila Prakosth Thana Sector-6, Bhilai, District - Durg, (C.G.) for the offence punishable under Sections 354 (क), 354 (घ) & 452 of I.P.C.
2. As per the prosecution story, on 02.09.2019, complainant/prosecutrix, who is a girl aged about 26 years made a written complaint alleging therein that on 05.07.2019, when she was sleeping in her PG room, allegedly, applicant entered inside the room and tried to outrage her modesty. It is alleged that prior to this incident, applicant used to follow her and tease her. On the basis of the above 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 due to some previous dispute with the prosecutrix. He further submits that, applicant and prosecutrix have love relationship and due to that, they were in live-in-relationship for last five years. He further submits that in the month of July, 2019, marriage of complainant was secretly fixed with some other person. On 22.08.2019, applicant submitted a report, annexed as Annexure – A/3 before Police Station Mahila Prakosht, Rajnandgaon wherein a notice was sent to the parents of the complainant for meeting/counseling on 03.09.2019. Thereafter, complainant lodged a false and fabricated report against the applicant after a gap of two months of the alleged incident. 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 and particularly considering the fact that incident occurred on 05.07.2019 and F.I.R. has been lodged after a gap of about two months i.e. on 02.09.2019 and delay in lodging F.I.R. is not duly explained, 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