

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1601 of 2018

- Atul Raj Pegwar (A.R. Pegwar), S/o Shri O.J.Pegwar, Aged About 52 Years, R/o Sub Divisional Officer, P.W.D. Sub Division Korba, Near I.T.I. House No. 315, In Front Of Nagdaune Floor Mill Magarpara Bilaspur Police Station Civil Line Bilaspur, District-Bilaspur, Chhattisgrh (Office Address Has Been Wrongly Mentioned As Residential Address Of The Applicant In the Impugned Order Dated 14.11.2018).

---- Applicant

Versus

1. Station In Charge Police-Station-Kasdol, District-Balodabazar Chhattisgarh.
2. State of Chhattisgarh Through The District Magistrate Balodabazar Chhattisgarh.

---- Respondents

For Applicant : Mr. Rishi Rahul Soni, Advocate.
For Respondent : Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.267/2017 registered at Police Station-Kasdol, Civil District-Raipur, Revenue District-Balodabazar(C.G.), for the offence punishable under Sections 341, 354, 506 of the Indian Penal Code, 1860.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The complainant has come forward with a totally

improbable story for the reason that the place of incident is shown to be in Korba whereas the applicant was present on duty on the same day in Kasdol, which is about 150 km. away from the place of incident. Regarding his presence on duty, the applicant has filed the documents along with the application, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct allegation made by the complainant regarding the act of outraging her modesty by the applicant, therefore, the application of this applicant be rejected.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged on 20.7.2017, incident is of dated 12.7.2017, applicant by using force tried to make the complainant sit in his car on this basis the complainant has made an statement that the applicant had made her to sit in a car with intention to outrage her modesty.
6. Considering in all the material present in the case diary and also perused the documents filed along with application, I feel inclined to allow the application to this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha