

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 60 of 2020**

Sudheer Vishawal S/o Bhavo Urf Bhagirathi Vishwal, aged about 29 years R/o Navapara, Police Station Chakradhar Nagar, Raigarh, Tahsil & District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, P.S. Chakradhar Nagar Raigarh, District Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

10/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 453/2019 registered at police station – Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for the offence punishable under Sections 454 & 354 of the Indian Penal Code.
3. In this case, the age of the Complainant/Victim is about 35 years. She is a married lady. On 18/12/2019 at about 5:00 pm, she made a report alleging therein that on 17/12/2019 in the evening, when she was alone in her house, the applicant came and tried to outrage her modesty. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case with the dispute of husband of the Complainant. He further submits that the alleged incident occurred at about 5:00 pm on 17/12/2019 and the FIR has been lodged after delay of 24 hours, which has not been explained.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that there is delay of 24 hours in lodging the FIR, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul