

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 123 of 2020

Hetram Tandon S/o Shri Punitram Tandon, Aged About 35 Years R/o Village Dotopar, Police Station - City Kotwali, Balodabazar, Present Residence Police Station - Palari, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Gidhpuri, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri A.S. Rajput, Advocate
For State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16.06.2020

Heard.

The applicant is apprehending his arrest in connection with Crime No.03/2020 registered at Police Station – Gidhpuri, District – Balodabazar Bhatapara, (CG) for alleged commission of offence under Section 354 of the IPC.

2. Prosecution case is that the applicant took the prosecutrix away from her house at about 9.00 p.m. and dragged her with intention to outrage her modesty.

3. Learned counsel for the applicant would submits that the applicant has been falsely implicated in an after thought case. He submits that the prosecution story is highly improbable that the prosecutrix would go against her wishes along with the applicant in the night at 9.00 p.m. without informing her husband and the son. He would submit that there are other disputes and therefore, on the pressure of her husband complainant has lodged false report against the present applicant.

4. Learned State counsel opposes and submits that the prosecutrix in her report has clearly stated that in the night, applicant came and knock at the door and when she opened, she was taken by the applicant to a nearby place and there he dragged her by holding her hair and arm with intention to outrage her modesty.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the prosecutrix, who is a major lady, states having gone along with the applicant in the night at about 9.00 p.m. without informing her husband and son, in the opinion of this Court, present is a fit case for grant of anticipatory bail to the applicant.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that 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 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge