

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 235 of 2020**

Deman Sahu s/o. Ejuram Sahu aged about 40 years r/o. Village and post Batoral PS Ranitarai, Tahsil Patan, District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Ranitarai, Tahsil Patan, District Durg (CG).

---- Respondent

For Applicant	:	Mr. Saleem Kazi, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****19-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure grant of anticipatory bail apprehending his arrest in connection with Crime No. 181 of 2019 registered at Police Station Ranitarai, District Durg (C.G.) for alleged commission of offence under Section 376 of IPC.
2. Case of the prosecution is that when prosecutrix had gone to the clinic of the applicant in connection with treatment of her daughter, the applicant started inquiring about health of the complainant and thereafter, he started pressing her breast and inserted his fingers in her vagina.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. Prosecutrix herself had gone to the clinic along with her daughter and husband and when she complained of vaginal discharge due to some ailment, the applicant acting bonafide as Medical Practitioner, only started making investigation without having any intention of commission of any offence. He would further submit that the applicant was the family Doctor of the complainant's family for the last more than ten years and he is a reputed medical practitioner practicing in the village and known to all for the last 20 years. It is also submitted that the false report has been lodged only to extract money from the applicant. Lastly it is submitted that the applicant's parents are ailing and if the applicant is arrested, there will be no one to take care of his ailing parents.

4. On the other hand, learned counsel for the State opposes prayer and submits that according to the FIR lodged by the prosecutrix, when prosecutrix had gone to the clinic of the applicant in connection with treatment of her daughter, the applicant started inquiring about the health of the prosecutrix and started pressing her breast and also started inserting his fingers in her vagina against her wish.

5. Taking into consideration the material on record, particularly the report submitted by the complainant regarding act of the applicant, in absence of there being any material of false implication, it is not a fit case to grant anticipatory bail.

6. Accordingly, the instant bail application being devoid of merit, is liable to be and is hereby rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju