

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.335 of 2020

Praveen Kamajdar S/o Late P.T. Kamajdar Aged About 46 Years R/o
Mig-1/62, Aditya Nagar, Police Station- Mohan Nagar, Durg, District-
Durg, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Mohan Nagar, District- Durg, Chhattisgarh **---- Respondent**

For Applicant	:	Mr. T.K. Jha, Advocate.
For Respondent/State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.13/2020 registered at police station – Mohan Nagar, Durg, District Durg (C.G.) for alleged commission of offence under Section 294, 354 & 506 of IPC.
2. Case of the prosecution is that the applicant entered the house of the prosecutrix, his sister-in-law, and outraged her modesty by catching hold of her and also touching her breast.
3. Learned counsel for the applicant submits that the allegations are false and fabricated. There was already subsisting dispute between the prosecutrix, wife of his brother and the present applicant over their family property and number of cases were registered. He would further submit that later on, the parties have compromised all their disputes and the prosecutrix has also sworn an affidavit dated 20.02.2020, copy of which, has been filed along with this application.
4. On the other hand, learned State counsel opposes the prayer and

submits that report of incident dated 08.01.2020 was lodged on the very day which shows that the victim lady had come out with the complaint that her own brother-in-law outraged her modesty.

5. Taking into consideration the submission of learned counsel for the parties and the material on record, this is not a fit case for grant of anticipatory bail, merely because, later on, the affidavit of the complainant has been filed regarding settlement of all disputes. However, considering the overall circumstances, it is directed that in case, the applicant surrenders and applies for grant of regular bail application, his application shall be considered as far as possible, on the same day and if not possible, on that day, then in any case, within three days.

6. The bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha