

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 424 of 2020

Suryakant Kaushik S/o Palan Singh Kaushik Aged About 29 Years R/o Village Gochhiya, Police Station Kawardha, District Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Amleshwar, District Durg Chhattisgarh

---- Respondent

For Applicant : Mr. B.P. Sharma and Mr. Ajit Singh, Advocates.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

For Objector : Mr. Krishna Tondan, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/06/2020

1. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 77/2019, registered at Police Station Amleshwar, Distt. Durg, Chhattisgarh for the offence punishable under Sections 456, 294, 323 & 506 of the IPC.
2. First bail of the applicant was dismissed for want of prosecution vide order dated 04.03.2020 passed in MCRCA No. 373/2020.
3. As per prosecution story, the complainant is a major and married lady. On 24.05.2019, she lodged an FIR alleging therein that on 23.05.2019 at about 7 PM when she was doing some work in her in-laws house, allegedly, the applicant entered into veranda of her house, used filthy language with her and also used criminal force with her due to that she fell down. Later on she told the incident to her family members and thereafter FIR has been lodged.

4. Learned counsel appearing on behalf of the applicant submit that the applicant is innocent and has been falsely implicated in the present case. Virtually on the date of incident, the applicant has not visited in the village of the complainant. They further submit that initially there was a love relationship between the complainant and the cousin of the applicant namely Pintu Kaushik and at the point of time there was some dispute taken place between them. The Counsel further submit that earlier also the complainant has lodged a report against Pintu Kaushik and others. Later on she got married and gone to her in-laws house and thereafter she made a false and fabricated report against the applicant. The Counsel further submit that if the entire case of prosecution taken as it is, prima facie no case under Section 456 of the IPC can be made out against the applicant because the incident occurred in the open veranda which is adjoining the road and outer part of the house of the complainant. The Counsel lastly submit that except Section 456 of the IPC, all other offence are bailable in nature.
5. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the incident was occurred in the open veranda situated at the outer part of the house. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
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 personal bond in the sum of Rs. 20,000/- with one solvent 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge