

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 519 of 2020**

- Santosh Nishad S/o Bhagela Nishad, Aged About 34 Years R/o Village Akarajan, P.S. And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Tarun Dansena, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****01/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.86/2020 registered at Police Station Khairagarh, District Rajnandgaon, (C.G.) for the offence punishable under Section 354 of I.P.C.
2. As per the case of the prosecution, on 11.3.2020 at about 3:30 PM, when prosecutrix was doing some work in her field, present applicant went there and asked for water from her, allegedly, applicant grabbed the waist of the prosecutrix and tried to outrage her modesty. The matter was reported by the prosecutrix and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to some dispute with the husband of the prosecutrix. He further submits that prior to 3-4 days of the alleged incident, a quarrel took place between applicant and husband of the prosecutrix, thereafter, a village meeting was called and husband of the prosecutrix tendered his apology there. Thereafter, due to the said dispute, a false and fabricated report was lodged by the prosecutrix against applicant. It is further submitted that on the date of incident, as per the affidavit given by Mate/Panch namely Dropadi, prosecutrix was working under MNREGA scheme. Thus, entire case of the prosecution is false and fabricated. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory 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 Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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