

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 529 of 2020**

Hemu Das Sahu S/o Kejau Das, aged about 45 years R/o Village Kumhi, P.S. Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh through S.H.O. Khairagarh, District Rajnandgaon (C.G.).

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate

For Respondent : Ms. Hamida Siddique, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

12/06/2020

1. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 116/2020 registered at police station – Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Section 354 of the Indian Penal Code.
2. According to the case of the prosecution, on 04/04/2020 an FIR has been lodged by the Prosecutrix (a married lady) alleging therein that on 25/03/2020 when she was working in a field, the applicant came there and tried to outrage her modesty. He also caught hold her. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated due to some political dispute of the applicant with other persons. He further submits that the incident occurred on 25/03/2020 and the FIR has been lodged

after delay of 7-8 days. The delay has not been explained, therefore, he prays to extend the benefit of anticipatory bail to the applicant.

4. Learned counsel appearing on behalf of the State opposes the said application.
5. I have heard counsel for the parties.
6. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that there is delay of 7 days in lodging the FIR which has not been explained, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one 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 make 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.
9. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge