

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 582 of 2020

Deepesh Kumar Yadav S/o Shashi Yadav Aged About 26 Years R/o Gokul Ganj,
Seetamani Korba, P.S. Kotwali Tehsil And District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Kotwali, District Korba
Chhattisgarh.

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this 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. 89/2020, registered at Police Station Kotwali, Distt. Korba, Chhattisgarh for the offence punishable under Sections 341, 354, 294 & 323 of the IPC.
3. As per prosecution story, on 18.02.2020 at about 5 PM, the applicant ceased the prosecutrix on her way and while grabbing her hands started physically molesting her. Thereafter, she lodged a report against the applicant. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the prosecutrix. He further submits that apart from Section 354 of the IPC, all other offence are bailable in nature and with regard to Section 354 of the IPC, he submits that in the statement of prosecutrix recorded under Section 164 of Cr.P.C., she categorically deposed that no such incident took place with her and now she does not

want to take any action against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State 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 Court Statement of the prosecutrix recorded under Section 164 of the Cr.P.C. 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 for a sum of Rs. 25,000/- 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 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