

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 727 of 2020**

Pushp Raj Sahu S/o Shri Bachchalal Sahu, aged about 36 years R/o Lalamatiya Para Sirmina Chowki Korbi, Tahsil Podi- Uparpda District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Police Chowki Korbi, Station House Officer, Police Station Pasan, Korba, District Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Bharat Rajput, Advocate
For Respondent	:	Mr. Raghvendra Verma, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

17/07/2020

1. The matter is heard through video conferencing.
2. 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. 33/2020 registered at police station – Pasan, Distt. Korba (C.G.) for the offence punishable under Section 354 of the IPC.
3. In this case, the Complainant/Victim is a married lady aged about 35 years. On 24/04/2020, she made a report against the applicant alleging therein that on 23/04/2020 at about 9:00 pm, when she had gone to attend the call of nature, at that time the applicant caught hold her and tried to outrage her modesty. Immediately after the incident, she narrated the incident to her husband and other family members. 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 due to some previous rivalry between both the parties. He further submits that the Complainant is a real aunty of the applicant and due to selling of vehicle Bolero, a quarrel took place between them, therefore, a false and fabricated report has been lodged. He further submits that on 19/05/2020, husband of the Prosecutrix/Complainant again made a report of the same incident, but in his report it has been alleged that on 23/04/2020 the applicant committed rape with the Complainant. Thus, it is clear that due to some previous enmity, the applicant has been falsely implicated in this case.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that two different reports have been lodged regarding the same incident and in both the reports different allegations have been made, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul