

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 623 of 2020**

Gaurav Udasi S/o Keshav Udasi, aged about 30 years R/o Lane No. 2, Near Krishna Temple, Gandhi Chowk, Shyam Nagar, Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through S.H.O Police Station Telibandha, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Maneesh Sharma, Advocate
For Respondent	:	Mr. Raghvendra Verma, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

09/07/2020

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. 122/2020 registered at police station – Telibandha, District Raipur (C.G.) for the offence punishable under Sections 354, 323 and 506 of the IPC and Section 8 of the POCSO Act.
3. In this case, the applicant is husband of the Complainant. According to the case of the prosecution, the marriage between the applicant and the Complainant was solemnized on 06/06/2018. It was the second marriage of both. The complainant had already one daughter aged about 4 years. On 18/03/2020 she made a report against the applicant alleging therein that on 16/03/2020, the applicant sexually assaulted

his step daughter and also caused her hurt. 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. He further submits that there were certain differences occurred between the applicant and the complainant, and due to that the Complainant/wife had left the company of the applicant on many occasions. In this regard, social meetings were also conveyed. He further submits that in the month of January, 2020, the Complainant after returning from her house, had threatened the applicant to implicate in a false case, then the applicant made a report on 11/02/2020 in this regard. Thereafter, on 28/02/2020, he also moved an application for taking divorce under Section 13 of the Hindu Marriage Act. On 14/03/2020, the complainant again returned to the house of the applicant and quarreled with the applicant. Thereafter, on 16/03/2020, a social panchayat was called. On 17/03/2020, the applicant called brother of the Complainant and the Complainant returned with her brother. He further submits that in the social meeting held on 16/03/2020, no complaint was made by the complainant regarding alleged incident. After all this, on 18/03/2020, she made a false and fabricated report against the applicant. He further submits that the entire story narrated by the complainant is suspicious, therefore, he prays to extend the benefit of anticipatory bail to the applicant.
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, 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