

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 671 of 2020**

Hemlal Gendre S/o Shri Dayaram Gendre, aged about 31 years, Occupation- Panchayat Secretary in Village Panchayat Chicha (Naya Raipur), R/o Village Dhuseara, P.S. Mujgahan, Raipur Tehsil & District- Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Mujgahan, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. D.K. Gwalre, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

11/08/2020

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. 54/2020 registered at police station – Mujgahan, Raipur (C.G.) for the offence punishable under Section 354-B of the IPC and Section 8 of the POCSO Act.
3. In this case, the age of the Complainant was about 16 years at the relevant time. According to the case of the prosecution on 05/03/2020 at about 12:45 a.m. in the night, the Complainant had gone to watch dance. It is alleged that the applicant used criminal force with an intention to outrage her modesty and thereby he committed the offence. On the basis of report made by the Complainant, 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 political rivalry with the maternal uncle of the Complainant namely Mahendra. Virtually on the date of incident in the mid night, Mahendra and three other persons had abused the applicant and assaulted him. Immediately after the incident, the applicant had lodged the report. Thereafter, to save themselves, the Complainant on the behest of Mahendra has made a false and fabricated report against the applicant. He further submits that from the contents of the FIR, prima-facie offence under Section 354-B of the IPC is not made out. If the entire allegation made by the Complainant taken as it is, yet offence would fall under Section 354-A (1), which is a bailable offence. He further submits that from the contents of the FIR, it is clear that the incident was witnessed by Hitendra, however, Hitendra has not supported his contention while recording his statement under Section 161 Cr.P.C. 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, argument advanced by counsel for the parties and further considering the contents of the FIR and the statement of Hitendra recorded under Section 161 of the Cr.P.C, 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**