

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 758 of 2020

- Rajeshwar Prasad S/o Jhaman Ram Aged About 34 Years R/o Village Champaknagar, Post Devnagar, Police Station and Tehsil Surajpur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Surfaraj Khan, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

27/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 167/2020 registered at Police Station Surajpur, District – Surajpur, (C.G.) for the offence punishable under Sections 354, 354-A, 354-B of the Indian Penal Code.
3. In the present case, prosecutrix is a married lady. As per the case of the prosecution, on 28.04.2020 at about 5:00-6:00 pm when prosecutrix was returning after attending the call of nature, at that time applicant caught hold her hand and slammed her into the ground and tried to outrage her modesty. When prosecutrix tried to make noise,

then applicant threatened her to kill. On the basis of the above background on 28.04.2020 itself, report was lodged by the prosecutrix and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous enmity relating to land dispute and construction of toilet with the prosecutrix and her husband. He further submits that toilet room has already been constructed in the house of the prosecutrix and the fact that she had gone out for attending call of nature appears to be suspicious. Thus, it appears that applicant is falsely implicated due to previous enmity. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application. Referring to the statement of the prosecutrix and other materials contained in the case diary, he submits that there are sufficient materials available against applicant. He further submits that no documentary evidence has been filed by the applicant regarding land dispute between applicant and prosecutrix. Thus, arguments advanced by the Counsel for the applicant is not acceptable. Therefore, learned State Counsel prays that the anticipatory bail application should be rejected.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the materials contained in the case diary, in my considered opinion, I am not inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is rejected. However, in the event of surrender of the applicant before the trial Court and filing of the regular bail application on his behalf, trial Court is directed to decide the bail application of the applicant as early as possible, preferably on the date of filing itself.

Sd/-
(Arvind Singh Chandel)
Judge