

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 950 of 2020

Balbhadra Singh S/o Jag Mohan Aged About 50 Years R/o Village Kunjara,
Police Station And Tahsil Lailunga District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge , Police Station Lailunga
District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16/09/2020

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. 109/2020, registered at Police Station Lailunga, Distt. Raigarh(C.G.) for the offence punishable under Section 452 & 354 of the IPC.
3. In this case, the prosecutrix is a married lady. According to the case of prosecution on 25.05.2020, she lodged a report in concerned Police Station alleging therein that on 21.05.2020 at about 5 PM when she was alone in her house, the applicant came there and caught hold her hands with intent to outrage her modesty. The incident has been witnessed by brother-in-law of the prosecutrix and when her husband came late in the evening, she narrated the entire incident to her and thereafter report has been lodged. On the basis of said report, offence has been registered against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually on the date of incident i.e. 21.05.2020 when the applicant teaching some children, husband of the complainant came there and without any reason, he made a dispute with the applicant

and also assaulted him. On the said background, on 22.05.2020, the applicant had lodged report against husband of the prosecutrix, therefore, as a counter blast, the present FIR has been lodged 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 the State opposes the bail application.
6. I have heard learned Counsel for 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, after gone through the contents of FIR and particularly considering the fact that firstly the applicant has lodged report against husband of the prosecutrix and after three days present FIR has been lodged by the prosecutrix. 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