

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on 19-11-2020

Order delivered on 25-11-2020

MCRCA No. 943 of 2020

- Om Prakash Pandey S/o Late Vishnu Dutt Pandey, Aged About 65 Years R/o Bhatapara, Siwani Police Station - Champa, District Janjgir Champa Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Champa District - Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	Mr. Prafull N. Bharat, Advocate
For Respondent /State	Mr. Alok Bakshi, Addl. A.G.
For Objector	Mr. Punit Ruparel, Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.169/2020, registered at Police Station Champa for offence punishable under Section 354 of the I.P.C.

3. Applicant's daughter-in-law has lodged the written report on 23-6-2020 alleging that on 12.03.2020 the applicant has outraged her modesty by touching her breast and inserting his hand to touch her buttocks through inside the *salwar pyjama*. The prosecutrix was married to the son of the applicant on 29-11-2011. She has two daughters out of the wedlock.
4. As per the diary statement the applicant has performed such objectionable acts previously also, however, the report has been lodged after more than three months of the incident. In her 164 Cr.P.C. statement she has not made any allegation against the applicant that he has inserted his hand through her *salwar pyjama*.
5. By referring to the document Annexure – A/3, which is an application by the applicant to the concerned Station House Officer for enquiring about false FIR, it is argued by the learned counsel for the applicant that the prosecutrix is not willing to stay in her matrimonial house; pressurizing on the family to give her share of land in partition; allow her & her husband to live separate; and in such course of events she left the matrimonial house on 16-3-2020 and returned after two months. Thus, the FIR is on false allegations with ulterior motive.
6. On the other hand, learned counsel for the State as well as learned counsel for the objector would oppose the bail

application.

7. The Video Clips filed by the objector is not seen by this Court as it is not accompanied with necessary certification under Section 65-B of the Evidence Act.
8. Having considered the delay in lodging the FIR and variation about the incident in the contents of the FIR & 164 Cr.P.C. statement, as also the applicant's version about their strained relation, this Court is inclined to release the applicant on bail.
9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer;

(iii) the applicant shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Gowri