

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1036 of 2020

Ganesh Kumar Jagatramka S/o. Late Banwarai Lal Jagatramka, Aged About 76 Years R/o. Attarmuda Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Station House Officer, City Kotwali, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Mr. Vipin Punjabi, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Sanjay Agrawal, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/10/2020

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. 49/2020, registered at Police Station City Kotwali, Distt. Raigarh (C.G.) for the offence punishable under Sections 354 of the IPC.
3. According to the case of prosecution, the complainant is daughter-in-law of the applicant aged about 46 years. On 18.01.2020, she made a report alleging therein that when she was with her daughter and they were going up through stairs to her room situated at first floor, the applicant came there and tried to outrage her modesty by touching her pelvis and hands. It is further alleged that earlier also the applicant had committed such type of flirting with the complainant. On the basis of said background, 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

due to family dispute with the complainant/daughter-in-law and his son. He further submits that on the date of incident also firstly the applicant has lodged an oral complaint through mobile phone against the complainant and his husband in concerned Police Station alleging therein that his daughter-in-law/complainant, his son and his grand-daughter always used to commit *marpeet* with him and on the date of incident also they have created some dispute with him, as there is property dispute already pending between the parties, therefore, to create pressure upon the applicant a false and fabricated report has been lodged against him. The Counsel lastly submits that the applicant is an old aged person aged about 76 years, the complainant is real daughter-in-law of the applicant and the entire story narrated by the complainant is suspicious. 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, the age of the applicant and particularly considering the fact that a property dispute is already pending between the parties. 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