

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1004 of 2020**

Munna Lal Dewangan, Aged about 42 years S/o Late Shri Kanhaiya Lal Dewangan R/o Dewangan Mohalla, Champa, Distt. Janjgir-Champa (C.G.)

**---- Applicant**

**Versus**

State of Chhattisgarh through S.H.O. P.S. Chanderpur, Distt. Janjgir-Champa (C.G.)

**---- Respondent**

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|----------------|---|-------------------------------------|
| For Applicant  | : | Mr. Ravindra Sharma, Advocate       |
| For Respondent | : | Mr. Ghanshyam Patel, Govt. Advocate |
| For Objector   | : | Mr. Aman Kesharwani, Advocate       |

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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 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. 77/2020 registered at police station – Chanderpur, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 354 & 509 (B) of the IPC.
3. According to the case of the prosecution, the Prosecutrix is a married lady. Her husband was working as peon in the office of Chief Municipal Officer at Nagar Panchayat Chanderpur, where, the applicant was posted as Chief Municipal Officer since February, 2019. On 16/09/2019, the Prosecutrix made a written report against the

applicant alleging therein that between 15/09/2019 to 17/09/2019, the applicant made call to her and used filthy language against her. It is further alleged that the applicant given seduction to her that he will provide Kosa Sadi to her, but when she refused to take the applicant started to give mental harassment to the husband of the Prosecutrix and also used abusing language. On the basis of the said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Husband of the Prosecutrix is posted as Peon in the office of CMO at Nagar Panchayat, Chanderpur, where the applicant is posted as CMO. Virtually, husband of the Prosecutrix had committed some irregularities while performing his duty, therefore, the applicant had issued a show cause notice on 26/08/2019 and thereafter on 20/09/2019, but he did not reply to the show cause. The applicant had also issued show cause notice to some employees namely Kishor Yadav, Ramnarayan Yadav and Bhanu Shukla for committing irregularities in discharging their official duties. The applicant had also made complaint against the employees of the department, which is pending under consideration. Due to these reasons and to save her husband and other employees, the Prosecutrix made a false and fabricated report against the applicant. He further submits that the incident is occurred in between 15/09/2019 and 17/09/2019 and the written complaint has been lodged on 26/09/2019, therefore, the applicant may be extended the benefit of anticipatory bail.

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 after going through the show cause notice issued to the husband of the Prosecutrix and that there is delay in lodging the FIR, 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**