

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1167 of 2020

1. Lekhram Sahu S/o Late Dayaram Sahu Aged About 46 Years R/o Near Osho Public School, Pach Rashta, Supela, Bhiali Tehsil And District Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Respondent

For Applicant	Mr. Avinash Chand Sahu, Advocate
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For Respondent /State	Mr. Alok Bakshi, Addl. Adv. General
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Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board3/12/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.97/2020, registered at Police Station Bhilai Bhatti, District Durg, for offence punishable under Sections 341, 354, 294 & 323 of the Indian Penal Code.
2. Applicant apprehends arrest on the allegation that on the date of incident he restrained the prosecutrix; abused her filthily; assaulted; and outraged her modesty.
3. It is argued that the applicant's son is in Live-in Relationship with the prosecutrix to which the applicant is objecting, therefore, a false report has been lodged.

4. Albeit the contents of the FIR are not suggestive of any such fact as argued by the learned counsel for the applicant, but in the diary statement dated 9-7-2020, recorded under Section 161 of the Cr.P.C., the prosecutrix has stated that at the time of incident the applicant was abusing her by saying that his son is not residing in his house because of the prosecutrix. Thus, there appears some dispute between the applicant and the prosecutrix involving son of the applicant.
5. In facts and circumstances of the case possibility of exaggeration on the nature of allegation is not ruled out. The offences are otherwise triable by the Judicial Magistrate First Class. Thus, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - he shall make himself available for interrogation by a police officer as and when required;
 - 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.
 - he shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri