

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1313 of 2020**

Tikam Prasad Jhariya S/o Late Meghnath Jhariya, aged about 28 years R/o Village Bandhapali, PS Chhal Tahsil Dharamjaigarh, District Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Office-in-charge, P.S. Chhal, Distt. Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Ashutosh Mishra, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/10/2020**

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. 113/2020 registered at police station – Chhal, District Raigarh (C.G.) for the offence punishable under Sections 354 and 456 of the IPC.
3. In this case, the Prosecutrix is a major married lady. The incident occurred on 12/07/2020. On 16/07/2020, a written complaint has been lodged by the Prosecutrix alleging therein that on 12/07/2020 at about 10:00 pm, the Complainant was alone along with her children and her husband was not present there. It is alleged that the applicant entered into the house of the Complainant with an intention to outrage her

modesty and tried to touch her. On the basis of the said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. Virtually, on 15/07/2020, husband of the Complainant and other persons entered into the house of the applicant and started beating them for personal rivalry. They also beaten the father of the applicant. An FIR has also been lodged by the applicant against those persons (Annexure-P-2). Thereafter, to save themselves, a counter false and fabricated report has been lodged against the applicant on 16/07/2020 by the Complainant. He further submits that the alleged incident occurred on 12/07/2020 and the report has been lodged on 16/07/2020 which clearly shows that false and fabricated report has been lodged. Thus, he prays to extend the benefit of anticipatory bail to the applicant.
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 both the parties and perusal of the documents annexed with the petition as well as documents referred by the State counsel, it appears that firstly report has been lodged against the husband of the Complainant by the applicant and thereafter present FIR has been lodged by the Complainant. The alleged incident occurred on 12/07/2020 and report has been lodged on 16/07/2020. Looking to the delay in lodging the report, it appears that to save themselves present report has been

lodged, therefore, 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