

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1653 of 2019**

- Rajesh Kumar Kumbhkar S/o. Labedu Ram Aged About 36 Years, Resident of Takhatpur, Police Station-Takhatpur, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station-Kharora, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pradeep Singh Rathore, Advocate
For Respondent/State	: Shri Ajay Kumrani, P.L.
For Objector	: Shri Navin Shukla, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****08/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 357/2019 registered at Police Station Kharora, District – Raipur, (C.G.) for the offence punishable under Sections 342, 354, 294, 323, 34 of Indian Penal Code.
2. As per the prosecution story, on 05.09.2019 present applicant had gone to attend 10th Day Ceremony at Kharora. Complainant/prosecutrix was also present in the said ceremony. It is alleged that during the social ceremony present applicant and other co-accused person abused the prosecutrix. Present applicant also pulled the saree of the prosecutrix and tried to outrage her modesty. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some family dispute. He further submits that both applicant and prosecutrix are relatives and being a relative, applicant had pulled her saree in the social meeting seems to be suspicious. It is further submitted that there was some previous enmity between both the families of applicant and prosecutrix and a concocted report has been lodged by the complainant. Thus, *prima facie*, no offence under Section 354 of I.P.C. can be made out against applicant, also, except offence under Section 354 of I.P.C., other offences are bailable. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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/her from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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