

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1865 of 2019**

- Dhaneshwar Patel S/o Ghurwa Patel, Aged About 31 Years Occupation Agriculture, R/o Village Ghughrikala, P.S. and Tahsil Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate Kabirdham, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Shri Chandrabhushan Kesharwani, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****11/02/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 439/2019 registered at Police Station Kabirdham, District – Kabirdham, (C.G.) for the offence punishable under Sections 294, 323, 506, 354 of I.P.C.
2. As per the prosecution story, prosecutrix filed a written complaint before police station on 11.10.2019 alleging *inter alia* that around 8:30 AM when she was going to cut grass near field of one Jhangu Patel, present applicant trapped her hand with intention to outrage her modesty. Applicant also used filthy words and beaten her. On hearing hue and cry, her mother-in-law and other villagers came, thereafter, applicant fled away from the spot. 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 previous dispute. He further submits that on the same day, wife of the present applicant had lodged a report against husband and brother-in-law of the prosecutrix, and on the basis of which separate offence under Section 354, 506/34 of I.P.C. was registered. Therefore, to save them, prosecutrix had lodged the report. Looking to the above, present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes 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, considering the facts and circumstances of the case, evidence collected by the prosecution, 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 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