

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1839 of 2019

- Hemlal Sinha S/o Kartik Ram Sinha Aged About 32 Years R/o Village Kariha, Police Station Charama, District Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Charama, District Kanker, Chhattisgarh.

---- Respondent

For Applicant : Shri Sandeep Shrivastava, Advocate.
For Respondent/State : Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 80/2019 registered at Police Station Charama, District – Kanker, (C.G.) for the offence punishable under Sections 354 & 506 of Indian Penal Code.
2. Facts of the case in brief is that, on 10.06.2019 when complainant/prosecutrix was returning after attending call of nature, present applicant caught hold the complainant from behind and started pressing her breasts. When complainant resisted, the applicant said that he wanted to have sexual intercourse with her and

on her refusal, he threatened her for life. Complainant somehow released herself from the clutches of applicant, came back to her house and narrated the entire incident to her husband, thereafter, matter was reported and offence was 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 earlier, wife of the present applicant had made a report against husband of the prosecutrix, on the basis of which offence under Section 354 of I.P.C. has been registered against him. Therefore, just to take revenge, a false and fabricated report has been lodged against the present applicant. Looking to the above, it is prayed that 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