

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1965 of 2019

- Data Ram Patel S/o Shri Pyarelal Patel, Aged About 60 Years, Caste-Aghariya, Occupation Senior Internal Audit And Taxation Officer (Government Servant), Janpad Panchayat Jashpur, R/o Village Kanchanpur, Komado, Police Station Jashpur, District Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowky Lodam, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

10/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 288/2019, registered at Police Station Jashpur, Distt. Jashpur (C.G.) for the offence punishable under Sections 354 of the IPC and Section 3 (2) (5-a) of the SC and ST (Prevention of Atrocities) Act, 1989.
2. In this case, at the relevant time, age of the prosecutrix was about 40 years. As per prosecution story, prosecutrix was a Sarpanch, on 14.10.2019, one meeting was conducted in Panchayat Bhawan Jaamtoli, wherein, the applicant who is Senior Internal Audit And Taxation Officer, Janpad Panchayat Jashpur, aged about 60 years, was also present. Allegedly, at that time, the applicant asked the

prosecutrix about bathroom door and cleanliness of Panchayat Bhawan, thereafter he holds the prosecutrix from her back, started touching her and tried to outrage her modesty, when she shouted, the applicant fled away from the spot. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the prosecutrix. He further submits that the applicant as a Senior Internal Audit And Taxation Officer asked for documents of works done by the prosecutrix, but she failed to produce the said documents, due to which dispute had taken place between them, therefore, the prosecutrix lodged a false and fabricated report against the applicant. The Counsel submits that during the said meeting, in front of many people, the whole act has been done *prima facie* not acceptable. The counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge