

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2132 of 2019**

Ram Ganesh Mishra S/o Late Shri Lalmani Mishra, 56 years R/o Bagnacha Dafai Ward No. 17 P.S. Chirmiri, Post Haldibadi, Distt. Korea (C.G.).

---- Applicant

Versus

State of Chhattisgarh through P.S. A.J.A.K Baikunthpur, District Korea (C.G.).

---- Respondent

For Applicant	:	Mr. Prafull N. Bharat, Advocate
For Respondent	:	Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

28/05/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 27/2019 registered at police station – A.J.A.K (C.G.) for the offence punishable under Sections 354, 354 (b), 294, 506, 323 of the IPC and Section 3 (1) (ii) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
3. As per prosecution story the victim girl is a major lady. According to the prosecution, on 29/07/2019 she asked the applicant whether she can get the Aadhar card, on which the applicant called her in the regional hospital Godripara. When she reached there, she found the hospital was closed. In the evening the applicant came to her house

and abused her. He also made an attempt to outrage her modesty, on which FIR has been lodged by the Complainant. On that basis, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that prima-faice no offence is made out against the applicant. The entire story narrated by the victim is suspicious. It is further submitted that the ingredients of offence punishable under Sections 3(1) (ii) and 3(2) (w-i) of the SC/ST (Prevention of Atrocities) Act are not made out against the applicant as there is no evidence that the alleged act was done by the applicant only because the victim belongs to such caste. He further submits that after recording of the FIR, the victim/complainant moved an application/affidavit before SP in which she stated that on the instance of some person, she lodged the report against the applicant and she does not want to proceed with the report.
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 and the argument advanced by counsel for the parties and further considering the contents of the FIR and later on affidavit filed by the victim girl, in my considered view, this is a fit case to extent 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