

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 229 of 2021

- Shesh Yadav, S/o Late Jagatram Yadav, aged about 38 years, R/o Ward No.18, Tikrapara, Khairagarh, Police Station and Tashil Khairagarh, District Rajnandgaon (CG)

---- Applicant

Versus

- State of Chhattisgarh Through the District Magistrate, District Rajnandgaon (CG)

---- Non-applicant

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

7.7.2021

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.40/2021 registered at Police Station Khairagarh, District Rajnandgaon (CG) for commission of offence punishable under Sections 341, 323, 506, 354 of the IPC.
2. The prosecution story, in brief, is that the complainant-girl has filed a written complaint with the concerned police station mentioning therein that for the last 2-3 months the applicant herein is troubling her through phone calls on her mobile. He thereafter enticed her and also given threat upon which she started talking with him but stopped after some time. Present applicant thereafter again started troubling her and her friends. Due to irritation she changed her mobile number. On the point of gun, he was asking for her new mobile number from her friends and juniors. On 26.1.2021 at about 8:00 p.m. when the

complainant was going to dance class, the present applicant stopped her and slapped her. He snatched her mobile phone and tried to take her mobile number. He always tried to follow and flirt with her. He used to ask her to enter into live-in relationship with him. Based on the aforementioned complaint, instant crime was registered against the applicant.

3. Mr. Rakesh Pandey, learned counsel for the applicant submits that present applicant and the complainant were in love affair, there was no occasion for the applicant to outrage modesty of the complainant. Even there is no such allegation in the complaint lodged by the complainant. He further submits that the applicant is a Counsellor, hence he may be extended benefit under Section 438 of CrPC.
4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer for the State has opposed the bail application. Reading upon the portion of written complaint, submitted that the allegations levelled against the applicant by the complainant are serious in nature, hence he is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against the applicant in the complaint by the complainant, statement of witness Rani, I am of the view that present is not a case where the applicant should be granted anticipatory bail. Accordingly, the bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-