

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 471 of 2021**

- Manoj Kumar Thakur S/o Late Motilal Thakur Aged About 47 Years Resident Of Shri Ram Niwas, Shiv Vihar Dev Nagri, Near Dupsa Talab, Raipura, Post Sundar Nagar, PS DD Nagar, Raipur, Tahsil And District Raipur, Chhattisgarh, Mobile No. 9303950797

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station DD Nagar, Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.K. Prasad, Advocate
For Respondents/State	:	Shri Aditya Bhardwaj, PL
For Respondent/Objector	:	Shri Vivek Kumar Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order****09/08/2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 94/2021 registered at Police Station DD Nagar, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 354 and 506 of the Indian Penal code.
3. As per the prosecution case, on 25.02.2021 a report was made by the

prosecutrix that the present applicant caught hold of her hand and tried to outrage her modesty. Thereafter, the report was made.

4. Learned counsel for the applicant would submit that the applicant and the prosecutrix were caught red handed in the compromising position by the wife of the applicant, therefore, the wife has made a report which would be evident from Annexure A/2 for which no cognizance was taken by the police and as a counter attack to it a false report has been made.
5. Per contra, learned State counsel and learned counsel for the objector oppose the prayer for grant of anticipatory bail. They would submit that the applicant has a chequered history and they refer to the report dated 15.09.2016 and would submit that the ladies of the area have made a report to the police that the applicant used to pass obscene comment on the ladies, therefore, it was difficult for the ladies to come out of the house and also used to follow the ladies.
6. Considering the objection and the history, it appears that in 2016 likewise report was made against the applicant. Taking into such fact and the nature of allegations, in my opinion this is not a case where the benefit of Section 438 Cr.P.C. can be granted.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu