

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 795 of 2021

Sheikh Wasim S/o Abdul Rafique Aged About 27 Years, R/o House No. - P-69, Ward No 8, Behind Police Station- Khongapani, Police Station- Jhagrakhand, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Jhagrakhand, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.
For Respondent/State : Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/09/2021

1. The applicant has filed this second 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. 57/2021, registered at Police Station Jhagrakh, Distt. Koriya (C.G.) for the offence punishable under Sections 294, 506, 323, 354(B), r/w Section 34 of the IPC.
2. First bail of the Applicant was dismissed as withdrawn vide order dated 24.05.2021 passed in MCRCA No. 426/2021.
3. As per prosecution story, it has been alleged that on 26.02.2021, the applicant and another co-accused person entered into verbal altercation and assaulted the complainant with hand and fist due to which she sustained injuries. It has been further alleged that at the time of alleged incident, the Applicant tore the clothes of the complainant with intension to outrage her modesty. On the basis of said background, offence has been registered against the Applicant.
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 the Applicant and the complainant are the relatives

and prima facie no offence under Section 354(B) of the IPC can be made out against the Applicant. Main ingredients of Section 354(B) of the IPC are missing and other alleged offence are bailable in nature. Co-accused Rabiya Begum has already granted benefit of anticipatory bail by this Court vide order dated 24.05.2021 passed in MCRCA No. 426/2021. Hence, it is prayed that the Applicant may also be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after perusal of contents of FIR and further considering the fact that co-accused Rabiya Begum has already granted benefit of bail by this Court. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant 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 personal bond for a sum of Rs. 25,000/- with one solvent 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 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