

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 758 of 2021

- Vinod Kumar Singh, S/o Raja Ram Singh, aged about 51 years, R/o Block No.07/E, 76 ACC Colony, Thana Jamul, Tehsil & District Durg (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through The Police Station Jamul, Bhilai, District Durg (CG)

---- Non-applicant

For Applicant	:	Mr. Uttam Pandey, Advocate
For Non-applicant	:	Mr.B.L. Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

27/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.221/2021 registered at Police Station Jamul, Bhilai District Durg (CG) for commission of offence punishable under Sections 354 & 545 (submitted during argument that it is '454') of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 11.6.2021 at 2.40 p.m. the complainant lodged report with the concerned police station stating therein that present applicant, an employee of ACC Cement Jamul, is known to her. During interaction, the complainant had requested present applicant to help her in getting job. On the date of incident, when the complainant was in her sister's house, she received phone call of present applicant on her mobile. She informed him that she is in her sister's home, whereupon present applicant told her that some arrangement for her job is made, he is standing outside of her

house and asked her to come to her house. When the complainant reached her house and went inside after opening it, present applicant also came inside the house, caught hold of her from backside and tried to outrage her modesty. Looking to unexpected act of applicant, the complainant shouted. In the meantime, sister of complainant reached there and seeing her, present applicant ran away from the spot. Immediately thereafter report of incident was lodged based on which instant crime is registered against present applicant.

3. Mr. Uttam Pandey, learned counsel for applicant would submit that absolutely false and baseless allegations are levelled against present applicant. Present applicant is known to the complainant since long. In past, present applicant had given hand-loan of Rs.3,50,000/- to her. The wife of present applicant died due to infection of corona virus. Looking to the period of pandemic and requirement of money, present applicant demanded back loan amount from the complainant upon which false complaint has been lodged against him by her only to avoid repayment of hand-loan amount. He further submits that son of present applicant also submitted complaint before the Superintendent of Police, Durg in which there is specific mention of giving of hand-loan of Rs.3,50,000/- to the complainant and false implication of present applicant. However, no action has been taken on the said complaint. He also submits that the applicant is suffering from diabetes & high blood pressure and he also underwent open heart surgery twice. He further submits that the Co-ordinate Bench has granted interim protection to present applicant, which was not misused by him. Hence, applicant may be granted anticipatory bail.
4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that there is specific allegation against present application of making attempt to outrage modesty of

complainant in her house. He referred to the statements of Pallavi Singh, sister of complainant, and Tarun Maurya recorded under Section 161 of CrPC on the date of incident itself i.e. on 11.6.2021. Pallavi Singh, sister of complainant, stated to be eyewitness of incident, has stated in her statement that when she entered the house of complainant, looking her, present applicant ran away from there.

5. I have heard learned counsel for the parties.
6. Mr. Uttam Pandey, learned counsel for applicant has not placed on record any document in support of his submission that present applicant underwent open heart surgery twice.
7. Taking into consideration the nature of allegations levelled against present applicant with regard to commission of offence under Section 354 & 454 of IPC; there is eyewitness to the incident, I do not find it fit to grant grant anticipatory bail to present applicant.
8. Accordingly, this anticipatory bail application is rejected.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-