

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 998 of 2021

Manoj Yadav S/o Trilochan Yadav, Aged About 30 Years, R/o Village Raghunathpur P.S -Patthalgaon, District-Jashpur, (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, P.S -Patthalgaon, District -Jashpur, (C.G.).

--- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate.
For State	: Mr. Sameer Oraon, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

06/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.47/2021 registered at Police Station - Patthalgaon, District -Jashpur, (C.G.), for the offence punishable under Sections 354, 452, 294, 506, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.02.21 at 09:00 am applicant along-with co-accused Kailash Yadav entered into house of complainant, started misbehaving with her and also tried to outrage her modesty. They have pulled her Saree and also tried to pull her under garments. When husband of complainant heard scream of complainant (wife) entered into house, applicant and co-accused Kailash Yadav abused him and thereafter fled away from there. When brother-in-law of complainant was returning after calling villagers, applicant and co-accused abused and assaulted him. Incident was reported to the concerned Police Station, based upon which, crime is registered against applicant and other co-accused Kailash Yadav.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. There was previous dispute and enmity between the parties which is the reason for false implication. In the impugned order it is also mentioned that brother-in-law of complainant went out to call the villagers which shows that there was dispute between the parties on earlier point of time. Other

co-accused Kailash Yadav has been granted bail vide order dated 06.07.21 in MCRC/1989/21. Hence, applicant may also be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that as per allegation applicant along-with co-accused Kailash Yadav entered into house of complainant and tried to outrage her modesty. On scream of complainant, her husband entered into house and saw the incident. Brother-in-law of complainant was also abused and assaulted by applicant and co-accused person while he was returning after calling villagers for meeting. He further submits that there are three criminal antecedents against applicant of the year 2018, 2019 and 2020. Other co-accused Kailash Yadav has been enlarged on regular bail and not anticipatory bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant along-with co-accused entered into house of complainant and tried to outrage her modesty, applicant is having previous criminal antecedents, other co-accused person has been granted regular bail, I do not find it to be a fit case to enlarge present applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-