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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1130 of 2021**

Chatur Ram Netam, aged about 41 years, S/o Lalsay Netam, Caste-Gond, Occupation – Constable, D.R.G. Manpur, R/o Vill. - Mispri, Post-Marri, P.S. Mohla, District Rajnandgaon (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : the Station House Officer, P.S.-Madanwada, District – Rajnandgaon (C.G.)

---- Non-applicant

For Applicant : Mr. Rakesh Kumar Thakur, Advocate.
For Non-applicant/State : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****26/10/2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 02/2021 registered at police station – Madanwada, District Rajnandgaon (C.G.) for commission of offence punishable under Sections 354 (क), 354 (घ)/34 of the Indian Penal Code and Section 7 & 8 of the Protection of Children From Sexual Offences Act, 2012.

(2) As per the prosecution case, on 01.02.2021 the applicant alongwith other co-accused persons, who are in the Police Department, went to the house of prosecutrix and called for one Heeru. Having said that he is not in the house and when the persons available there including the prosecutrix started fleeing away, the applicant caught hold of the hand of the prosecutrix

and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that applicant is working in the police department and in order to investigate the crime, in such capacity, he along-with others had gone to house of prosecutrix and enquire about one Heeru. He would next submit that no such offence has been committed by the applicant but in order to create a defence, a false report has been made, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State would oppose the bail application.

(5) As per case diary, the applicant is working in the police department and when they had gone for searching of one Heeru, they went to the house of the prosecutrix and when prosecutrix and other persons appeared in the house were running away, the applicant in his capacity has tried to catch hold of them.

(6) Considering the nature of allegation and the capacity of police personnel, which the applicant is discharging at the relevant time, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when

required.

(ii) that 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) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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.

Certified copy, as per rules.

Sd/-
(N.K.Chandravanshi)
Judge

D/-

