

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No.1117 of 2021

Bajru Ram S/o Chamru Ram, Aged About 54 Years, R/o Village Thakurpur,
 Police Station Gandhinagar, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
 Gandhinagar Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.J.K. Rao, Advocate.
For State	: Ms. A.S. Chauhan, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

29/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.376/2021 registered at Police Station –Gandhinagar, Ambikapur, District Surguja, (CG), for the offence punishable under Sections 354, 506, 323 of the Indian Penal Code and Section 7 & 8 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that parents of complainant were out of village for agriculture activities. Complainant was residing in home along-with elder sister. When there was electricity failure in her house for about two days, it was intimated to her parents upon which electrician was sent by her parents. On 28.07.21 at about 10:00 pm some person knocked the door of complainant's house, upon opening the door she found applicant standing out of house, he assaulted her and also asked her to write that she likes Gender Ram Ekka S/o present applicant. At that relevant time, co-accused (Gender Ekka) has made video clip of girl along-with one boy inside the house. Incident was reported to the concerned police station, based upon which aforementioned crime is registered against applicant and co-accused.
3. Learned counsel for the applicant submits that applicant is neighbour of complainant. Upon coming to know that one unknown boy is in house of complainant in night, in absence of her parents, applicant went there with intent

to protect and save the children and scolded the complainant. Allegation against applicant in FIR is that he assaulted complainant, there is no allegation against applicant attracting the provisions under Section 354 of IPC & POSCO Act. Allegation, if any, of committing an offence under Section 354 of IPC & POSCO Act is against co-accused Gender Ekka. Applicant is a government servant, working as Training Superintendent in ITI, Rajpur, Surguja. Hence, he may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant. She read over contents of complaint as well statement of complainant recorded under Section 164 of Cr.P.C and submits that in view of allegations levelled therein applicant is not entitled for grant of anticipatory bail. However, she does not dispute that allegation against applicant is of assault upon complainant when she opened her house.
5. Prosecutrix is present in person. She submits that applicant should not be granted anticipatory bail.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations, statement of prosecutrix recorded under Section 164 of Cr.P.C, and the fact that applicant is government servant aged about 54 years, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the

investigating officer as and when required;

- (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-