

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1168 of 2021**

- Ankit Agrawal S/o Shri Puran Lal Agrawal, aged about 30 Years
R/o. Bajrang Nagar, Takhatpur, Thana Takhatpur, District
Bilaspur Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Takhatpur, District
Bilaspur, Chhattisgarh

-----Non-applicant

For Applicant : Mr. Vinay Pandey, Advocate
For Non-applicant- State : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****29/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 384/2021 registered at Police Station Takhatpur, District Bilaspur (C.G.) for the offence punishable under Sections 354, 354D, 341/34 of IPC.
2. Case of the prosecution in brief, is that, when the prosecutrix was going for her tuition classes in the morning at about 06:00am, applicant along with other co-accused persons came there and by using criminal force have tried to outrage her modesty. The incident was reported to her parents. When on 03.01.2020 applicant along with other co-accused persons assaulted father of prosecutrix, Miri family (of co-accused) have extended help of Rs. 6000/- when father of prosecutrix was under treatment at Mahadev Hospital, Bilaspur. Applicant interpreted that help in some other meaning, by showing

ATM card asked for sexual favour. FIR was registered on 29.08.2021 for the aforementioned offence against four persons including applicant.

3. Mr. Vinay Pandey, learned counsel for the applicant would submit that the allegations levelled by the prosecutrix are absolutely false and baseless. He submits that the incident as alleged to have been stated by prosecutrix was on 01.01.2020 of using criminal force for outraging her modesty but prosecutrix has not reported the incident to the concerned police station immediately or thereafter. The report was lodged on 29.08.2021 making allegation against applicant that on the strength of other co-accused persons, applicant shows ATM card and demand for sexual favour whenever she is going out of her house. He submits that the allegation which has been levelled in the report dated 29.08.2021 of showing ATM card and demanding sexual favour will not attract Section 354 of IPC. He further submits that as per allegation offence under Section 354-D will be attracted, which is also false and the said offence is bailable, hence, applicant is entitled for anticipatory bail. He further pointed out that two other co-accused persons have been enlarged on bail by this Court in MCRCA 1109/2021 vide order dated 14.09.2021. Learned counsel further submits that in the FIR, there is no allegation of demand of sexual favour by the applicant.
4. On the other hand, Mr. Roshan Dubey, learned State counsel opposes the submissions made by learned counsel for the applicant, he read-over the contents of allegation levelled in the FIR and the statement of prosecutrix recorded under Section 164 of CrPC. He submits that in the said statement, there is allegation of demand of sexual favour by applicant, hence, he is not entitled for benefit of

anticipatory bail. On specific query, he submits that allegation of demand of sexual favour is not in FIR but in the statement of prosecutrix.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, facts and circumstances of the case, date of incident and the allegation levelled in the FIR as well as in the statement recorded under Section 164 of CrPC of prosecutrix, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (384/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
 - (ii) that the 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 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.

Sd/-

(Parth Prateem Sahu)
Judge