

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1226 of 2021**

Jagmohan Sonwani S/o Ashwa Sonwani, Aged About 35 Years, R/o Village Bohardih, Thana Aarang, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Aarang, District Raipur Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Samir Singh, Advocate
 For Non-applicant/State : Shri Vaibhav Singh, P.L.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05.10.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.492 of 2021, registered at Police Station Aarang, District Raipur (C.G.), for offence punishable under Sections 294, 506, 354 of Indian Penal Code.
2. Case of the prosecution in brief, is that, when complainant went in the agricultural field of one Kaliram Yadav to work as labourer along with others, applicant was also there as one of the labourers in the agricultural field, he made an attempt to molest. The act of applicant was intimated to co-labourer Saraswati Satnami, thereafter, other labourers intervened and gave advice him not to do illegal act. On the next day, when complainant went to hand-pump situated near her house for fetching water, at that time also,

applicant has again done the same act. Incident was again reported by complainant to her family members, upon which, they came to applicant and again tried to made an attempt to make the applicant understand with regard to illegal act, upon which, applicant started abusing and quarreling with them. Thereafter, report was lodged to concerned Police Station, based upon which, aforementioned crime is registered against the applicant.

3. Shri Samir Singh, learned counsel for the applicant would submit that there is no allegation against the applicant of assault or using criminal force against the complainant with an intent to outrage her modesty, hence, offence under Section 354 of IPC would not be made out. He further submits that other offences alleged against the applicant are bailable, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Vaibhav Singh, learned P.L. representing the State opposing the submissions made by learned counsel for the applicant, would submit that act and conduct of applicant in view of material available in the case diary is not good and he has not attempted once, but twice, hence, he is not entitled for the benefit under Section 438 of Cr.P.C. He read over the statement of complainant and other witnesses in support of his contention.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled by the complainant against the applicant and material available in the case diary, without

commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge