

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.A. No. 1280 of 2021**

Aditya Behra S/o Shri Bharatlal Behra aged about 29 Years
Resident of Jagatpur, District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Kanker, District
Kanker CG

---- Non-Applicant

For Applicant : Shri Abhishek Vinod Deshmukh, Adv.
For State/Non-Applicant : Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****29-10-2021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 176/2021 registered at Police Station Kanker, Distt. Kanker (CG) for the offence punishable under Sections 354, 456 of the Indian Penal Code.

2. Brief facts of the case are that applicant and victim/prosecutrix work in Axis Micro Finance Bank Company, Kanker, where the applicant used to see her with bad intention and he also used to call her in her room, but she did not go to his room because she is a married lady having a child also. On 17-6-2021 at about 9.30 pm, the applicant went to house of the complainant holding a bottle of liquor and told her to divorce her husband and marry him. He also caught her hand and chest. At that time, her husband came and intervened, then the applicant went out. The complainant lodged report about this incident against the applicant on 24-7-2021 in PS Kanker, Distt. Kanker under Section 354 and 456 of the IPC.

3. Counsel for the applicant submitted that the applicant has been falsely implicated in this case, because, on 17-6-2021 at about 9.30 pm when the applicant was drinking liquor with the husband of the complainant sitting near a bridge between Sarangpal and Mode Maatwada, at that time, husband of complainant abused him in filthy language, threatened him to kill, assaulted with hands and fists and also injured his neck. With regard to this incident, the applicant filed FIR on 18-6-2021 in PS Kanker, Distt. Kanker against the husband of complainant, therefore, the complainant lodged present FIR against the applicant to defend her husband. He next submitted that present FIR was lodged after more than one month of the incident. The applicant has not committed alleged crime. The applicant also works in Mirco Finance Company. Therefore, he may be granted anticipatory bail.

4. On the contrary, learned State counsel opposing the application for grant of anticipatory bail submitted that the applicant molested the complainant, that too, in her own house. Case is under investigation. Hence, the applicant is not entitled to give benefit of anticipatory bail.

5. I have heard learned counsel for the parties, perused the case diary as also the material available on record.

6. It is evident from the copy of FIR of Crime No. 0138/2021 registered at PS Kanker that on the report lodged by the applicant, offence under Section 294, 323 and 506 of the IPC was registered against the husband of the complainant of this case. Copy of said FIR has been filed in this case. Copy of medical report has also been filed by the applicant. It is also evident that FIR of present case was filed by the complainant after more than one month of the incident, although reason has been assigned. Considering the totality of the facts and circumstances, in the opinion of this Court, it is a fit case to give benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory 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 bail by the officer arresting him on executing a personal bond in a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the officer arresting him or the concerned investigating officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer.
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial;
- (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE