

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1288 of 2021**

Dishant Thakkar, son of Kirit Thakkar, aged about 26 years, resident of Ward No. 09 Main Road, Gariyaband, P.S. and District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh, the Station House Officer, Police Station Gariyaband, District Gariyaband (C.G.)

----Non-applicant

For Applicant : Mr. Om Prakash Sahu, Advocate.
For Non-applicant : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****24-11-2021**

(1) The applicants has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 208/2021 registered at police station Gairiyaband, District Gariyaband (C.G.) for the offences punishable under Sections 294, 323, 354, 354 (ग) & 354 (घ) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that when on 31.07.2021 at about 3 pm complainant had gone to Praveen Electronic Shop to recharge her mobile, father of applicant namely Kirit Thakkar, who is also accused in this case, came in the said shop and stared the complainant, thereafter, he and present applicant abused her in filthy language and committed *marpeet* with her with intention to sexually harass her and thereby they outraged her modesty. It is also alleged that applicant & his father also committed *marpeet* with complainant's husband & son. Based on above facts, present crime has been registered against the applicant and his father under Sections 294, 323, 354, 354 (ग) & 354 (घ) & 34 of the IPC

(3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the present case as he has not committed the alleged crime. As per FIR itself, no case is made out against the applicant under Section 354 of the IPC. He would next submit that father of applicant & other journalist have made complaint against husband of the complainant, who is Sand Mafia, to the Sub Divisional Officer, Gariaband vide Annexure A-4. He would also submit that father of applicant also sought copy of pay-slip of complainant through RTI (Annexure A-3), hence, complainant has filed false and baseless complaint against the applicant and his father. He would next submit that there was some altercation had taken place and complainant, her husband and their son had also committed marpeet with the father of the applicant, therefore, the applicant has also lodged FIR on 31.07.2021 at Police Station Gariaband, District Gariaband but complainant, being a lady, getting undue advantage, has lodged FIR against the applicant, therefore, the applicant may be extended the benefit of Section 438 of the Cr.P.C.

(4) Per contra, learned counsel for the State vehemently opposes the anticipatory bail application filed by the applicant stating that as per counter FIR, it is clear that dispute had been taken place between both the parties and the applicant & his father have assaulted upon the complainant with sexually intent to molest her modesty, therefore, the applicant is not entitled for anticipatory bail.

(5) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case; nature & gravity of the offence; also taking into consideration that there is counter FIR by both the parties against each other and it is a case of other offences including assault with sexually intent to molest modesty of the complainant. Looking to the material available on record against the applicant, I am of the view that it is not a fit case to extend the benefit of anticipatory bail to the applicant. Thus, the anticipatory bail application filed by the applicant is hereby rejected.

Sd/-

(N.K.Chandravanshi)

Judge

