

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1737 of 2020

Hariram Sahu S/o Motilal Sahu, aged about 25 years R/o Mudpar,
Police Station - Shivarinarayan, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station -
Shiverinarayan, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14.01.2021

1. The applicant has filed this Second Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.267/2020, registered at Police Station: Shiverinarayan, District: Janjgir-Champa (C.G.) for the offence punishable under Section 354 of IPC (Offence under Section 454 & 506 of IPC were added later on, as informed by the State counsel).
2. First bail application under Section 438 of Cr.P.C. was directly filed by the Applicant before this Court, therefore, as prayed by counsel for the Applicant first bail application was dismissed as not pressed with liberty to move an appropriate application before the appropriate Court/Forum vide order dated 06.11.2020 passed in MCRC (A) No.1375/2020. Thereafter, an application for grant of anticipatory bail was submitted by the Applicant before the Court of Sessions which was rejected by the said Court therefore, this second bail application has been filed.

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3. In this case prosecutrix is a married lady aged about 40 years having two children aged 10 years & 07 years respectively. According to the case of prosecution, on 05.09.2020, when the prosecutrix was alone in her house, the present Applicant entered her house and asked for her mobile number, when she denied to give her number, the present Applicant caught hold her hands and tried to outrage her modesty, thereafter, the prosecutrix came out of the house and immediately told the whole incident to her neighbour Amarnath Sahu, till that time, the Applicant ran away from the spot. On the basis of her report offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some previous dispute with the prosecutrix/complainant. He submits that the entire case narrated by the prosecutrix is not reliable and is suspicious. The present Applicant is a reputed person of the society, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, material available on record and after perusal of the contents of FIR, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;

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- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge

Saurabh