

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1802 of 2020**

- Komod Kumar Chandrakar, S/o Santram Chandrakar, Aged About 47 Years R/o Kopabeda, Kondagaon District Kondagaon Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station Kondagaon District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahil Arun Kochar and Mr. G.P. Dandekar, Adv.
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.06.2021**

1. Proceeding through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 308/2020 registered at Police Station- Kondagaon, District Kondagaon (C.G.) for commission of the offence punishable under Section 377 of the IPC.
3. The applicant is a doctor. As per the prosecution case, the allegation against the present applicant is that he has outraged the modesty of the prosecutrix in his clinic.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. Referring to Annexure A/2, he further submitted that the clinic bed is in the open place and at the time of alleged incident, brother of the prosecutrix, applicant's assistant and patients were present in the clinic but the prosecutrix neither shouted nor complained to anyone. Only with intention to humiliate the fame of the applicant, who is a revered doctor, she cooked a false story and lodged the FIR the next day.

5. On the other hand, counsel for the State opposes the application for anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.
7. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned investigating 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 or the case 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/-
(Rajani Dubey)
Judge**

V/-