

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1005 of 2016**

Kaliram S/o Jhaduram Sahu Aged About 35 Years R/o Village  
Kirwai, Police Station Simga, Civil & Revenue District Baloda Bazar  
Bhatapara, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Police Station Simga, Civil &  
Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Respondent**

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For applicant – Shri Adil Minhaj, Advocate.  
For Respondent/State – Shri Wasim Miyan, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**27/10/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 154/2016 (wrongly mentioned as Crime No.190/2004 in bail rejection order) registered at Police Station Simga, District Baloda Bazar-Bhatapara (C.G.) for offence punishable under Section 354 of IPC.

2. As per the prosecution case, on 21/12/2015 victim was going to her school in scooty, when she reached near Kirwai Gautan the applicant was coming from the opposite side from the wrong side and dashed. In order to avoid that she when tried to bent hand of the applicant dashed into the chest. Thereafter, she became unconscious and she was treated.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and it is because of the accident the applicant and the complainant dashed to each other in motorcycle and there is no case is made out to outrage the modesty, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Perused the FIR. Perusal of the FIR prima facie it would point out that both the applicant and the complainant while were moving in scooty and motorcycle dashed to each other wherein they sustained injury and during such accident the incident happened. Taking into such facts and contents of the FIR, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the 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 of the case so 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) 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.

Certified copy today.

Sd/-

(Goutam Bhaduri)

JUDGE

