

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5273 of 2018**

Taman Lal Nagarchi @ Toman Lal S/o Shri Kumar Nagarchi Aged About 34 Years R/o- Village Post Hasda, P.S. Magar Load, District- Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, P.S. D.D. Nagar, Raipur, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Varunendra Mishra, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****31/08/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 155/2018 registered at Police Station D.D. Nagar, Raipur, District Raipur Chhattisgarh for the offence punishable under Sections 354 (ख-ग), 454, 506/34 of Indian Penal Code and Section 8 of Protection of Children from the Sexual Offences Act, 2012.
2. The present applicant is in jail since 17.05.2018 in connection with the aforesaid Crime number.
3. The allegation against the applicant as per prosecution is that, the applicant and other co-accused person i.e. wife of the applicant namely Smt. Seema Nagarchi is said to have gone to the house of the prosecutrix; took the prosecutrix at the terrace (roof) of the house and there the applicant and the co-accused is said to have forcefully removed the clothes of the prosecutrix and tried to outrage her modesty leading to filing of FIR on 15.05.2018.

4. The counsel for the applicant submits that it is a case where the present applicant has been falsely implicated on account of some landlord-tenant dispute between the family of the complainant and applicant. According to the applicant, the wife of the present applicant has also been implicated for the same offence and she has been granted anticipatory bail by this Court in MCRCA No. 676/2018, vide order dated 13.07.2018. He further submits that the entire case is doubtful for more than one reasons, firstly there is a considerable delay in the lodging of the F.I.R., in as much as the date of incident alleged is 13.03.2018 and the complaint for the first time has been lodged on 15.05.2018 i.e. there is a gap of more than 2 months without any justified reason for the delay caused. He further submits that though there is an allegation of the applicant having taken obscene pictures of the complainant, but there is no recovery of any SIM or for that matter mobile or any other material, with which the said allegations could be established. He further submits that the present applicant and his wife are the tenants of the family of the complainant and there were some disputes between the families and for which the false complaint has been lodged. Thus prayed for the grant of bail.
5. The State counsel however drawing the attention of the Court to the age of the complainant and the nature of statement lodged by the complainant and also taking the gravity of the offence, prayed for the rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly taking into consideration the unexplained

delay in the lodging of the F.I.R., the fact that there is no material to establish the allegations, so far as the recording of the pictures of the complainant by the present applicant etc., this Court is of the opinion that entire case of the prosecution, prima facie, seems to be doubtful and a strong case for grant of bail has been made out. Accordingly, the present application for grant of bail is allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved