

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 768 of 2018**

Smt. Aditi Mishra W/o. Shri Vinay Mishra, Aged About 34 Years, At Present R/o Chichirda Road, Near LCIT College, Police Station Chakarbhatha, Bilaspur District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station City Kotwali Balodabazar District Balodabazar Bhatrapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/08/2018**

1. Apprehending arrest in connection with Crime No.44/2018, registered at Police Station – City Kotwali, Balodabazar District – Balodabazar – Bhatapara (C.G.) for offence punishable under Section 67-A of the Information Technology Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The mobile number from which the said obscene photograph is alleged to have been sent does not belong to this applicant. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that

as the applicant has not been arrested and because of which her mobile has not been seized, the investigation may reveal further evidence against the applicant. Hence, it is prayed that the applicant may not be released on bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against this applicant is this that the applicant by using her mobile No.8435522675, has sent a photograph on whatsapp to complainant – Dheeraj Bajpai, which displayed one obscene photograph of his wife, which was prepared after photo shopping regarding which the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and for the reason that this applicant is a woman and the applicant and the complainant both are related to each other, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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) 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram