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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4931 of 2018

- Ajit Bajpai S/o Shri Dinesh Chand Bajpai, Aged About 48 Years, R/o Ward No. , Police Station Bhatapara (City) Tehsil Bhatapara, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Katwali Balodabazar, District Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRCA No. 782 of 2018

- Tulsi Jaisawal S/o Sukhnandan Lal Jaisawal, Aged About 29 Years, R/o Lal Bahadur Shastri Ward, Bhatapara, Tahsil And Police Station Bhatapara District Balaudabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Balaudabazar, District Balaudabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Y.C. Sharma, Advocate (in MCRCA No.782/2018),
Shri U.K. Singh Chandel, Advocate (in MCRC
No.4931/2018).

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.315/2018 registered at P.S. City Kotwali Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 195A, 228A, 354, 506 of the IPC and Section 67 of IT Act, they are decided by this common order.

2. MCRC No.4931/2018 is first bail application filed before this Court by applicant Ajit Bajpai under Section 439 of the Cr.P.C. for grant of regular bail as

he has been arrested on 16-06-2018 in connection with aforesaid Crime number and offence and MCRC No.782/2018 has been filed by applicant Tulsi Jaiswal under Section 438 of the Cr.P.C. as he is apprehending arrest in aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Ajit Bajpai in MCRC No.4931/2018 is husband of Panchayat Parshad in Bhatapara and applicant Tulsi Jaiswal in MCRC 782/2018 is a media person. Both of them had tried to help the complainant who is prosecutrix in another case. They have taken the interview of the victim after concealing her identity and she was shown veiled in the video recorded for this purpose. The interview was shown in the news channel and some bits of the same was also posted in face book and whatsapp social media sites, in which, no disclosure of the identity of the victim is made. No case is made out against these applicants. Hence, it is prayed that applicant Ajit Bajpai in MCRC No.4931/2018 may be granted regular bail and applicant Tulsi Jaiswal in MCRC No.782/2018 may be benefited with grant of anticipatory bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there are direct evidence against these applicants that they have disclosed the identity of the victim who was prosecutrix in another case which is totally against the guidelines laid down by Hon'ble the Supreme Court. Also, earlier 7 proceedings under the provisions of the Cr.P.C. and 5 cases under the provisions of the IPC registered against applicant Ajit Bajpai. Hence, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, the victim in this case had been to the police station to lodge FIR for the offence committed under Section 376 of the IPC against accused person in that case. It is alleged that at that time these

applicants pressurised the victim, wrapped her face with a cloth and then have obtained an interview by putting her under threat, which has been used for telecast and circulation in social media, because of which, the victim has apprehended disclosure of her identity. Hence, this case.

7. Considered on entire material present in the case diary. The allegation made by the victim needs careful examination by the trial Court, but, for the present, I am of this view that applicant Ajit Bajpai in MCRC No.4931/2018 deserves to be granted regular bail and applicant Tulsi Jaiswal in MCRCA No.782/2018 deserves to be benefited with grant of anticipatory bail.

8. Consequently, the application (MCRC No.4931 of 2018) filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that applicant Ajit Bajpai 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 as and when directed.

9. The anticipatory bail application (MCRCA No.782 of 2018) is allowed. It is directed that in the event of arrest of applicant Tulsi Jaiswal 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil