

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 901 of 2018**

Prashant Shrivastava S/o Late Ratneshwar Shrivastava Aged About 35 Years R/o Rama Green City, House No. A-9, Bilaspur, P. S. Sarkand, Tahsil And Dist. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Aarkshi Kendra Civil Line Bilaspur, Dist. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Arvind Shrivastava and Shri Vikash Shrivastava, Advocates.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.
For the Objector	:	Ms Mandavi Bharadwaj, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 625 of 2018, registered at Police Station – Aarakshi Kendra Civil Lines Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Section 509-B of the Indian Penal Code.
3. It is submitted by counsel for the applicant that according to the contents of the FIR, the case does not fall under the definition of Section

509-B of the IPC as the photographs were sent to the husband of the complainant to intimate him about the previous event in which the applicant and the complainant are together which is not obscene and cannot be considered as a mode of sexual harassment. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the photographs have been sent to the husband of the complainant for the purpose of mischief by the applicant to create disharmony in the marital relation of the complainant.

5. Learned counsel for the Objector adopts the arguments submitted by the State counsel and submits that because of the photographs sent by the applicant, the marital relation of the complainant has come in distress. Hence, the application be rejected.

6. Heard counsel for both the parties and perused the case diary.

7. According to the case against the applicants some photographs which were taken on some earlier occasion during a picnic have been sent by the applicant to the husband of the complainant to purposely intimate him about the previous association with the complainant, because of which, the FIR has been lodged against the applicant.

8. After due consideration of all the material present in the case-diary, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

9. 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 them 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/-
(Rajendra Chandra Singh Samant)
Judge