

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 195 of 2019**

Vishal Masih @ Sanni, S/o. Denial Masih, Aged About 23 Years, R/o. Panna Nagar, Jarhabhatha, Bilaspur, P.S. Civil Line, Tahsil and District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akath Kumar Yadav, Advocate
For Respondent/State	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/02/2019**

1. Apprehending arrest in connection with Crime No.364/2016, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 376 of the Indian Penal Code, 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 on the basis of the material present on record. The prosecutrix is 38 years old married woman, she established relation with this applicant on her own free will since the year 2015, which continued for about one year and thereafter has

lodged false complaint against this applicant. The applicant himself was engaged as driver and he was merely 20 years of age on the date of incident. Therefore, 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 according to the statement of the prosecutrix, this applicant established physical relation with prosecutrix by putting her under threat, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, this applicant by putting the prosecutrix under threat of killing her and also threatening her that he will make public his intimate photographs in social media had physical relation with her by force on number of occasions. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, 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