

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 265 of 2019**

Lucky @ Monish @ Mohnish Kesharwani, S/o. Shri Jogesh Kesharwani, Aged About 24 Years, R/o. Village Navagarh, Ward No. 02, P. S. and Tahsil Nawagarh, District Janjgir Champa Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Civil Line, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/03/2019**

1. Apprehending arrest in connection with Crime No.360/2017, registered at Police Station – Civil Line, Raipur, District – Raipur (C.G.) for offence punishable under Section 507, 509 (b) 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 in the case diary. Initially the offence was registered only under Section 507 of the Indian Penal Code, but later on without any basis, the offence under Section 509 (b) of the I.P.C. has been added because of which, the applicant is apprehending arrest. There is no such evidence in the case that this applicant had in any manner sexually abused the complainant by using his mobile number.

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 there is evidence to show that this applicant has made call to the complainant on the date of alleged incident and it is the statement of the complainant herself that the applicant used to talk obscene to her, which amounts to sexual harassment, 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. Complaint was lodged by the complainant/victim on 22.05.2017 in the police station Civil Line, Raipur stating that on the same day, she received call from unknown number, in which the caller used threatening words for her and also used obscene language in the conversation. FIR was lodged on 30.05.2017, thereafter, the investigation is continuing.
6. Considered the submissions made and the contents of the case diary. After 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