

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 604 of 2019**

Venkatraman Gude, S/o. Mutyala Rao, Aged About 48 Years, HOD Craft and Design Department, Indra Kala Sangeet Vishwavidyalaya, Khairagarh, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh. R/o Hari Om Nagar, Ward 20, Rajnandgaon, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.D. Guru, Advocate
For Respondent	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/04/2019**

1. Apprehending arrest in connection with Crime No.75/2019, registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for offence punishable under Section 509 (B) of the Indian Penal Code and Section 67 of the I.T. Act, 2000, 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. The complainant in this case is student of Indira Kala Sangeet Vishwavidyalaya, Khairagarh, where the applicant is the HOD in Craft and Design Department. As the complainant has been barred from appearing in examination because of shortage of her attendance, she has made false complaint against this applicant. Vishakha Committee of the university has also examined the

complaint and exonerated the applicant. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According the complaint made, this applicant used to intrude into the privacy of the complainant and send her obscene messages on her mobile phone with intention to outrage her modesty. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary and specifically the copy of the messages that were sent on whatsapp social media to the complainant without commenting on the quality of the messages, 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