

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 594 of 2019**

Smt. Neha Sharma, D/o. Late Santosh Sharma, Aged About 29 Years,
R/o. Main Road, Naila Janjgir, P. S. Janjgir, District Janjgir Champa
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Sakri, Civil and Revenue District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Prajapati, Advocate
For Respondent	: Mr. Aaditya 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.190/2018, registered at Police Station – Sakri, District – Bilaspur (C.G.) for offence punishable under Section 509 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. In fact, the applicant herself is harassed for the reason that somebody has used her I.D.to obtain the number in her name and has used the same for sending obscene messages to the complainant and her husband concerning which this applicant has no connection. 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. It is submitted that unless the applicant is arrested, the investigation will not proceed, 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. Complainant Sheetal Sharma has lodged FIR that she is receiving obscene messages in her mobile phone from some unknown number. After lodging of FIR, the police has found out the mobile number, which is registered in the name of this applicant.
6. Considered the submissions made and the contents of the case diary.
7. The offence is made out under Section 509 (B) of the Indian Penal Code, which is a non-bailable offence, however by imposing conditions against this applicant for cooperating in the investigation, she may be granted anticipatory bail, therefore this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram