

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 761 of 2019**

Mohd. Wasim Ansari S/o Mohd. Shafi Ansari Aged About 32 Years R/o Ward No. 4, Bazar Para, Ratanpur, Police Station - Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Acting Through Officer-In-Charge, Police Station - Ratanpur, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri K.A. Ansari, Senior Advocate with Ms. Meera Ansari, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.06.2019**

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. 107 of 2019, registered at Police Station – Ratanpur, Civil & Revenue District – Bilaspur, Chhattisgarh for the offence punishable under Sections 376, 506 and 493 of the Indian Penal Code.
3. It is submitted by 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 placed before the Court by the prosecution. The prosecutrix is a 27-year-old woman and working as a teacher. In fact, the applicant and the prosecutrix had an affair because of which, the prosecutrix used to pressurize the applicant to have her in company. The messages sent by the prosecutrix in WhatsApp have been produced which discloses very clearly that the applicant is innocent. 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 applicant by deceit had physical relation with the prosecutrix and then prepared a digital objectionable material on the basis of which, he used to threaten her continuously and get her submission for physical relation therefore, there may be requirement for recovery of digital objectionable material. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the FIR lodged, the applicant introduced himself to the prosecutrix as unmarried young man and proposed to marry her. About 6 months prior to the date of lodging FIR, the applicant called the prosecutrix to his residence and offered a cold drink mixed with some intoxicating substance. The prosecutrix went unconscious after taking the drink and then she was ravished by the applicant. When the prosecutrix complained, the applicant again promised that he will marry her and later on, he made a display of the digital material showing the prosecutrix in an objectionable condition. It is alleged that by making use of obscene digital content he

sought her submission to physical relation on number of occasions.
Thereafter, this FIR has been lodged.

7. After perusing the contents of the case-diary, it appears that there may be requirement of custodial interrogation of the applicant, therefore, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge