

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 823 of 2019

- Santosh Bhagat S/o Late Shri Harihar Ram, Aged About 51 Years, C/o Kachna, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station - New Rajendra Nagar Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bhaduri and Shri Sabyasachi Bhaduri, Advocates.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

1. Apprehending arrest in connection with Crime No.173/2019, registered at Police Station – New Rajendra Nagar Raipur, District Raipur, Chhattisgarh for offence punishable under Section 354 (A) & 509B of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a public servant posted as Deputy Secretary in the industries department. He has on the basis of his acquaintance with the complainant who happened to be a RTI activist had made a call to her. The applicant had not made any comment upon the complainant in that phone call. Only because she overheard some other person making some comment which she has taken to be made upon her, therefore, this false allegation has been made in the FIR lodged. Therefore, it is prayed that the applicant may be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged by the complainant stating that on the date of incident this applicant made a phone call to her and talked to her on some

subject. It is also mentioned that the complainant overheard the voice of some other person present along with the applicant, in the meanwhile, a comment was passed against the complainant in obscene manner which was heard by the complainant regarding which the FIR has been lodged.

6. After considering on all the facts and circumstance and also specifically the statement in the complaint that the applicant was present with some other person also at the time when the phone call was made, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge