

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1090 of 2019**

Piyush Tripathi, S/o Arun Kumar Tripathi, Aged About 35 Years, R/o Saktipara, Police Station And Tahsil Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Mahila Thana, Ajak Camp, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Kishore Narayan, Advocate.
For Objector	:	Shri R.S. Marhas, Advocate
For Respondent/State	:	Smt. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

05/09/2019

1. Heard.
2. This is the first bail application filed under Section 438 of the Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.17/2019 registered at Police Station - Ajak Camp, Mahila Thana, Ambikapur, District - Surguja, C.G. for the offence punishable under Sections 376(2)(f), 509 of the IPC and Section 67 and 67-A of the Information Technology Act, 2000.
3. As per the prosecution case, the prosecutrix lodged the complaint to the police station Ajak Camp Mahila Thana that prior to five years from 25.05.2019, the applicant had committed sexual intercourse with her, without her consent on the false pretext of marriage and he also threatened her that if she disclosed this to anyone, he will viral her video and

chats on social media. On the basis of complaint made by the prosecutrix the offence was registered against the applicant under Sections 376(2)(ढ), 509 of the IPC and Section 67 and 67-A of the Information Technology Act, 2000.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant and prosecutrix are talking normally on whatsapp after the date of incident i.e. 25.05.2019, copies of the chats are also enclosed in the application. It is also submitted that if he is arrested in the present case he will suffer irreparable loss as he has wife and children. He has also placed reliance upon the matter of **Pramod Suryabhan Pawar Vs. The State of Maharashtra and anr.**¹ Hence, it is prayed that the applicant is entitled for grant of anticipatory bail.
5. On the other hand learned counsel for the State opposes the bail application and submits that the interrogation of applicant is necessary, therefore, he may be taken into custody for concluding the trial.
6. Learned counsel for the objector submits that the applicant has five criminal antecedent of different crime numbers, therefore, he is not entitled to get anticipatory bail.
7. Heard counsel for the parties and perused the case diary.
8. Looking to the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.

¹ @SLP (CrI) No. 2712 of 2019

9. 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 the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them 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.

Sd/-
(Rajani Dubey)
Judge