

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1088 of 2019**

- Rajendra Kumar Dansena S/o Shri Manohar Lal Dansena, aged about 30 years, R/o village & post – Karnoud, Thana – Birra, Civil & Revenue District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Outpost Rampur, P.s. Kotwali, Korba, District Korba (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent.	:	Smt. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/08/2019**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.321/2019 (wrongly mentioned as 336/2019 in order) registered at Police Station – Police Outpost – Ramur, P.S. Kotwali, Korba (C.G.) for commission of the offence punishable under Sections 354, 354(D), 294, 506, 500 IPC and Section 66 of Information Technology Act, 2000.
2. Case of the prosecution is that a report was lodged against the applicant alleging therein that the complainant never fell in love with applicant, but the applicant used to meet her frequently despite her objection. It has been further alleged that after fixing her marriage with one Vikash Kumar Tiwari, the applicant called the complainant and forced her to marry

with him and threatened her for dire consequences if she marries with some other person and consumed poisonous substance. The applicant also tried to administer poisonous substance to the complainant also. It has also been alleged that the applicant sent some objectionable messages and obscene photos of complainant to her fiancé due to which her marriage broke-up. Based on this, offence was registered against the present applicant under Sections 354, 354(D), 294, 506, 500 IPC and Section 66 of Information Technology Act, 2000.

3. Learned counsel for the applicant submit that the present applicant is innocent and has been falsely implicated in this case. Learned counsel further submits that he has produced photographs and copies of whatsapp chatting which clearly proved that there was love affair between the complainant and the applicant. He also submits that the applicant is in hospital for long time due to poisoning and after arrest his physical condition may be deteriorated, therefore, he may be granted anticipatory bail.
4. Learned counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the photographs and copies of whatsapp chatting, and further considering the fact that the applicant is in hospital due to poisoning, 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. It is directed that in the event of

arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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 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.

Sd/-

(Rajani Dubey)
Judge