

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1142 of 2019**

Kajal Kumari D/o Shri Arvind Kumar Aged About 24 Years R/o Shri Ram Path, Road No. 07, Arpana Colony, Ramjaypal Road, New Bailey Road, Patna, District- Patna, Bihar.- 801503.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District- Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajkumar Gupta, Advocate.
For the Respondent/State	:	Ms. Akanksha Jain, Dy. G.A.
For the Complainant	:	Shri Neeraj Pradhan, Advocate on behalf of Shri Dhiraj Kumar Wankhede.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.08.2019**

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. 141 of 2018, registered at Police Station – Kusumunda, District – Korba, Chhattisgarh for the offences punishable under Section 420/ 34 the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. In fact, the applicant and the complainant both had a love affair for sometime which went wrong. Thereafter, the

complainant had kept threatening the applicant only to marry and however, the applicant was not interested for the same. Therefore, the applicant then continued to harass, threaten and abuse the complainant through electronic mode and other modes regarding which, various complaints were given to the police. On the basis of these complaints, counseling was also held in police station - Kusmunda and a compromise was recorded between the applicant and the complainant on 6.4.2019. Subsequent to that, the complainant has lodged a false FIR on 10.4.2019 making totally false allegations. Similarly placed co-accused persons have been granted anticipatory bail by this Court. 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 there is specific allegation against the applicant regarding forging documents and cheating the complainant. In the evidence collected, there is email sent by the applicant containing a certificate which has been verified and found forged. Therefore, on this basis, this applicant is not entitled for grant of anticipatory bail.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that the applicant has breached the promise to marry and also the promise for providing him a job and degree certificate. The certificate that was provided to the complainant was found to be forged one. Further, the complainant paid about Rs.13,00,000/- to the applicant on various pretexts during the period of five years when they had a relationship between them and that money has not been returned to

the complainant. Hence, the applicant is not entitled for grant of anticipatory bail.

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

7. According to the prosecution case, the applicant and the complainant both had a relationship for sometime during which, this complainant placed a condition before the applicant for marriage, that he would obtain degree certificate and get a job for him, for the reason that the applicant herself was employed as IT Engineer in Bangalore. The complainant then for fulfilling the condition provided her with money about Rs.13,00,000/-. However, when the degree certificate was supplied to the complainant which was verified and found it to be forged. Thereafter, this applicant has breached the promise to marry the complainant. Hence, the FIR has been lodged.

8. On perusal of the material present in the case-diary, it is not denied that there had been an affair between the applicant and the complainant turned sore. Perused the copy of the complaints that have been filed from the applicant's side against the complainant about the harassment given to this applicant. Hence, in the backdrop of the events and complaints from both the sides, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed with condition. 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. She 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 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge