

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1510 of 2019

- Rizwan Iqbal S/o - Kalim Iqbal Aged About 29 Years R/o - House No. 330, Farid Nagar Kohka, Thana Supela, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg Chhattisgarh. Through District Magistrate Durg Chhattisgarh

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P. L.
For Objector	: Mr. Rahim Ubwani, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 819/2019, registered at Police Station Supela, Distt. Durg (C.G.) for the offence punishable under Sections 354 & 509 (B) of the IPC.
2. As per prosecution story, prosecutrix is a girl aged about 26 years. On 25.08.2019, she made a report with the averment that she has acquaintance with the applicant from the year 2014. The applicant mounted pressure on the prosecutrix for marriage and on denial threatened to finish her with entire family. In the year 2017, he had forcibly taken her in his car and up to his flat where the prosecutrix was subjected to harassment and tried to catch her hands and on

objection, she was assaulted. On 19.07.2019 & 23.07.2019 also, the applicant with intention to misbehave with her, caught her hands and on raising hue and cry, the applicant fled away. It was further alleged that the applicant used to harass the prosecutrix on instagram by preparing forged ID by sending her obscene messages. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the complainant/prosecutrix. He further submits that the whole story narrated by the prosecutrix is false and fabricated. Since in the year 2017, the applicant used to harass the prosecutrix but no report has been made by her in this regard. The alleged incident was occurred on 19.07.2019 & 23.07.2019, and the report was lodged after one month i.e. on 25.08.2019. He lastly submits that since the applicant has falsely been implicated, therefore, no offence can be made out against him. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that since in the year 2017, the applicant used to harass the prosecutrix but no report has been made by her in this regard. The alleged incident was occurred on 19.07.2019 & 23.07.2019, and the report was lodged after one month i.e. on 25.08.2019. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge