

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1514 of 2019

- Brij Kishor Pandey, S/o Munna Kumar Pandey, Aged About 20 Years, Student 2nd Year B.A. Journalism, R/o Guru Ghasidas University, Boys Hostel, District Bilaspur, Chhattisgarh. Permanent Address Subhash Nagar, Ward No. 14, Bargarh, Orissa.

---- Applicant

Versus

- State Of Chhattisgarh Through, S.H.O., Police Station Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mr. Arijit Tiwari, Panel Lawyer.
For Objector	:	Mr. Shubhank Tiwari on behalf of Mr. Aditya Chopra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/10/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.229/2019 registered at Police Station- Koni, District–Bilaspur(C.G.), for the offence punishable under Sections 509(B) of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant and the complainant both are studying in the same class mistakenly this applicant had sent some messages to the complainant which she found objectionable and, therefore, this FIR has been lodged. However, at present a compromise has taken place and the complainant herself has no objection in grant of bail to the applicant,

hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the objectionable photographs and messages that have been sent are of much degrade nature, therefore, the applicant is not entitled for grant of anticipatory bail.
4. Learned counsel for Objector adopting the argument advanced by the counsel for State and submits that he has not objection in grant of anticipatory bail to the applicant.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, this applicant was classmate and friend of the complainant. Using this acquaintance, this applicant has sent the complainant some obscene messages in the social media of whatsapp ad Facebook to the complainant. Hence, this case.
7. For the reason that the applicant is a student and that the complainant has herself made no objection for grant of bail to the applicant, for this reason, I feel inclined to allow the application of this applicant.
8. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge