

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1564 of 2019

- Humesh Jaiswal S/o. Rambharos Aged About 28 Years R/o Saradih P.S. Dhabra District - Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Janjgir District Janjgir Champa Chhattisgarh Through Station House Officer Sakti District Janjgir- Champa Chhattisgarh

---- Respondent

For Applicant	: Mr. Abhishek Sinha, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/12/2019

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. 353/2019, registered at Police Station Sakti, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 376 & 506(B) of the IPC and Section 6 of the POCSO Act.
2. As per prosecution story, at the relevant time, age of the prosecutrix was about 21 years. On 24.08.2019, she lodged a report in concerned police station alleging therein that on 01.12.2017, the applicant was called her at room no. 3 in PWD rest house Sakti and demanding sexual favour and ask her that he have some nude photographs of her, if she objected then he will make the photographs viral on social media, under threat the applicant committed rape with her and on the pretext of marriage he

committed sexual intercourse repeatedly with her. It has been further alleged that when the marriage of the prosecutrix was fixed with one Tikesh then the applicant was sent the photographs of the prosecutrix to Tikesh and stated that there was a love affair between them and he demanded Rs. 5 lakhs also from Tikesh. 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. In the year 2019 an offence has been registered against Tikesh Dadsena, husband of the complainant and others under Section 420/34 of the IPC at police station Chhal which was published in IND24 news channel where the applicant was a news reporter, therefore, Tikesh wants revenge from the applicant. Thereafter, on 16.06.2019, some unknown persons have beaten the applicant by hockey sticks, his vehicle was thrashed and also looted his mobile phone. During course of investigation, it was found that the husband of the prosecutrix involved in the said crime. Thus, husband of the prosecutrix was prosecuted offence under Section 307, 394, 427 read with Section 34 of the IPC as per **Annexure A-3** of the bail application. During pendency of the said crime Tikesh approached the applicant and created pressure upon him to compromise the offence. But, the applicant was denied. Hence, present FIR has been registered as a counter blast. The Counsel further submits that alleged act was committed on 01.12.2017, at that time the prosecutrix was above 18 years of age. Thus, entire story as alleged by the prosecutrix, it seems that she was a consenting party, therefore, prima facie no offence can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.

6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on 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. 20,000/- 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 themselves 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