

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 179 of 2020

Raj @ Prakash Sarkar S/o Sunil Sarkar Aged About 27 Years Resident Of Village Gangapur, Near New Bus Stand Ambikapur, Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station Kotwali Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Sumit Singh Rathore, Advocate
For State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17.06.2020

Heard.

The applicant is apprehending his arrest in connection with Crime No.675/2019 registered at Police Station – Kotwali, Ambikapur, District – Surguja, (CG) for alleged commission of offence under Sections 354, 294, 506-B and 323 of the IPC.

2. Prosecution case is that the applicant a co-worker had been teasing the complainant co-worker by sending her obscene message and trying to black mail her, on the basis of certain photographs and videos, in this manner outraging her modesty.

3. Learned counsel for the applicant would submits that the allegation against the applicant is false and fabricated. Applicant and the prosecutrix are working in the same office. There are many other employees. He would submit that till today, no material has been collected during investigation to show that any other employee has supported the allegation. No CCTV footage has been collected by the prosecution to support this case. The allegation of sending obscene message is also not collected.

4. On the other hand, learned State counsel opposes and submits that the prosecutrix has lodged report that from since 05.08.2019 till the date of report i.e. 10.11.2019, the applicant has been continuing harassing her by making obscene remarks and even assaulting her. Obscene messages have also been send. She is being black mailed that obscene videos would be made viral.

5. Prima facie it appears that the prosecutrix has lodged report that she is being harassed by the applicant. Though, statements have not been recorded so far. Learned State counsel submits that the obscene messages retrieved from the cell phone of the prosecutrix has been sent to forensic test. Even though FIR has been lodged way back on 10.11.2019 after lapse of more than 7 months, the Police has not collected either the CCTV footage nor has recorded the statements of other co-workers in the office and entire case is built upon sending some messages, therefore, under these circumstances, present is a fit case for grant of anticipatory bail to the applicant.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he 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 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge