

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 531 of 2020**

- Harshit Sarkar S/o Hari Sarkar Aged About 22 Years R/o New Market, Pakhanjore, Kanker, District Kanker, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bhanpuri, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/06/2020**

1. The matter is heard through video conferencing.
2. The Applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 251/2020 registered at Police Station- Supela, District – Durg, Chhattisgarh (wrongly mentioned as Police Station Bhanpuri, District – Bastar, C.G. in the bail application) for the offence punishable under Sections 376, 323, 389, 506, 509 of I.P.C. and 67 of I.T. Act.
3. In the present case, prosecutrix is a major girl aged about 20 years. According to the case of the prosecution, on 27.04.2020, prosecutrix made a report alleging therein that present applicant developed physical relationship with her on pretext of marriage. Allegedly, applicant threatened the prosecutrix and told her that he would viral her obscene photographs and videos. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for 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 virtually, there was love relationship between applicant and prosecutrix and they also lived together for some months. He further submits that if the entire case is taken as it is, it seems that prosecutrix is a consenting party. Prosecutrix is also a major girl, therefore, *prima facie*, no case can be made out against applicant. Prosecutrix in her statement recorded under Section 164 of Cr.P.C. has not stated anything against present applicant and has also not supported the case of the prosecution. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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/her from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

**Sd/-
(Arvind Singh Chandel)
Judge**

Prakash