

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1654 of 2019

Vikas Kaushik S/o Late Janka Kaushik Aged About 20 Years R/o Mandir Chauk,
Gram Kharkena, P.S. Hirri, Tahsil Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of C.G. Through- P.S.- Hirri, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raj Kumar Gupta, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

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. 135/2019, registered at Police Station: Hirri, District & Revenue District-Bilaspur (C.G.) for the offence punishable under Section 354 (b), 354 (c), 506, 509 (b) of IPC.
2. In this case prosecutrix is a major lady aged about 21 years. As per prosecution story, on 01.09.2019, prosecutrix made a report alleging therein that co-accused Himanshu Sahu developed relationship with the prosecutrix and he promised to marry her and due to the relationship he also taken photographs of the prosecutrix. Allegedly, Himanshu Sahu forwarded the said photographs of prosecutrix to the present Applicant through What's App messenger. Allegations against the preset Applicant is that he threatened the prosecutrix to chat with him otherwise he will viral her photographs in social media. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case as the main allegations are against the co-accused Himanshu Sahu. He submits that if the entire case of the prosecution is taken as it is, Prima Facie no case can be made out under Section 354 (b) of IPC against the Applicant and all the

other offences registered against him are bailable therefore, he prays for grant of anticipatory bail to the Applicant.

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, arguments advanced by the counsel for the parties and further considering the fact main allegations are against the co-accused and Prima Facie no case can be made out against the present Applicant under Section 354 (b) of IPC and all the other offences registered against the Applicant are bailable therefore, 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