

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1674 of 2019**

- Mohammad Sahil S/o- Mohammad Shakil Aged About 22 Years R/o Musalman Mohalla, Takhatpur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Takhatpur District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Ms. K. Tripti Rao, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****23/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 275/2019 registered at Police Station Takhatpur, District – Bilaspur, (C.G.) for the offence punishable under Sections 354, 456, 506 & 34 of Indian Penal Code.
2. As per the prosecution story, on 31.08.2019 a report was lodged by one Md. Shakhir Hussain i.e. father of the prosecutrix against applicant. Age of the prosecutrix at the relevant time was about 13 years. Allegedly, prior to two months of lodging of the F.I.R., present applicant used to tease the prosecutrix and used to threaten her that if would disclosed the fact, then he would kill her father. On 25.08.2019 around 8:00 PM applicant entered in the house of the prosecutrix by kicking the door thereafter, started kissing and touching the private parts of the prosecutrix. When prosecutrix shouted, then applicant fled away from the spot. On the same day, applicant again tried to entered in the house of the prosecutrix. On the basis of the above, offence has

been registered.

3. 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 between both the families. He further submits that there was love relationship between applicant and prosecutrix and they used to chat with each other through whatsapp. After the incident, on 13.09.2019 prosecutrix messaged applicant in whatsapp through her father's mobile and admitted the fact that false complaint has been lodged by her father against him (applicant). It is further submitted that two statements under Section 161 of Cr.P.C. and one more statement under Section 164 of Cr.P.C. of the prosecutrix were recorded by the police and in all three statements, the time of the incident is different. Thus, the entire story seems to be concocted. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that there was love relationship between applicant and prosecutrix and they used to chat with each other through whatsapp and after the incident also, prosecutrix used to send message to the applicant through her father's mobile, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 his 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 by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge