

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2101 of 2019

- Ravi Mahato S/o Late Shri Indu Mahato, Aged About 36 Years Hemu Nagar Police Station Torwa, District - Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S H O, Police Station Torwa, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Otwani, Advocate.
For Respondent/State	: Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

12/03/2020

1. The applicant is apprehending his arrest in connection with Crime No. 414/2019 registered at Police Station Torwa, District – Bilaspur, (C.G.) for the offence punishable under Section 509-B of I.P.C.
2. As per the prosecution story, there was illicit relationship between the complainant and one Ashish Singh. Present applicant is the common friend of complainant and Ashish Singh. Further case of the prosecution is that, Ashish Singh was not in contact with the complainant, therefore, she requested present applicant to make contact with him. On 25.11.2019, complainant made a written complaint against applicant alleging therein that on 24.11.2019 present applicant invited her for lunch in his house saying that he would give information to her about Ashish Singh. When she reached at his house, at that time, no one was present in the house and after having lunch, applicant told her to come to his room but she refused

and returned back. When she left the house, then applicant made a call to the complainant through mobile and try to harass her with indecent language. On the basis of the said, offence has been registered. Conversation details of the mobile phones were prepared.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that, virtually, complainant was having extra marital affair with one Ashish Singh for so many years. Applicant is the common friend of both complainant and Ashish Singh, therefore, complainant was pressurising the applicant to make contact with Ashish Singh. But applicant refused to do so and therefore, to create pressure, she has falsely implicated him in the present case. As contended in the written complaint itself, complainant stayed with the applicant at his house for around 2-2:30 hours and during that period nothing was done by applicant which shows that applicant had no any ill-intention against her (complainant). It is further submitted that from the perusal of whatsapp chat between both complainant and applicant, it also appears that complainant used to call applicant as brother. In this circumstance also, the alleged allegations appears to be doubtful. It is further submitted that regarding transcription of the call details, there is no any F.S.L. report. Therefore, genuineness of the said call detail is also suspicious. *Prime facie*, no case is made out against applicant. Looking to the above, it is prayed that present 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, 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 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 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 them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge