

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2178 of 2019

Ku. Smita Patil D/o Late M.D. Patil, aged about 30 years, R/o Karmachari Nagar, Sikola Basti, Near Shiv Mandir, Durg, Tehsil Civil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Kanker, District Kanker Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashok Kumar Yadav, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpayee, G.A.
For Objector	: Mr. Sameer Oraon, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/06/2020

1. The matter is heard through Video Conferencing.
2. 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. 130/2019, registered at Police Station: Kanker, District: Kanker (C.G.) for the offence punishable under Section 67, 67-A, 67-B of the IT Act, 2000.
3. According to the case of prosecution, on 22.02.2019, an application under Section 156 (3) of Cr. P.C. have been submitted by the complainant namely Saket Saket Sharma alleging therein that in the year of 2018, the Applicant has transmitted some obscene material to the complainant. On the basis of said application, as directed by CJM, police has registered the case against the Applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that virtually there was a love relationship between the Applicant and the complainant and on the pretext of marriage the complainant committed sexual intercourse with the Applicant and later on denied to marry her, therefore on 02.05.2018, the Applicant made a report against the Complainant and on the basis of which the offence under Section 376 (2) of IPC and other offences have been registered against the Complainant. Thereafter, in counter a false and fabricated

application was filed by the complainant Saket. He further submits that there is no evidence on record on the basis of which, it can be said that the said obscene material was sent to the complainant through mobile phone of the Applicant. Hence, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State and counsel appearing on behalf of the objector opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and also considering the fact that after the report regarding rape lodged by the Applicant, then the application under Section 156 (3) of Cr. P.C. was filed by the complainant, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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