

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 893 of 2021**

- Chandra Kumar Kashyap S/o Gopal Kashyap, aged about 25 years R/o Village-Kaitha, Police Station Hasoud, District- Janjgir-Champa, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station Champa, District Janjgir-Champa, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Pawan Kesharwani, Advocate
For Non-applicant- State	: Mr. B.P. Banjare, Dy. Govt. Adv.
For Objector	: Mr. Anmol Sharma, Advocate

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****04/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 162/2021 registered at Police Station Champa District Janjgir-Champa (C.G.) for the offence punishable under Sections 509-B of IPC.
2. Case of the prosecution, in brief– on 27.06.2021 at about 08:00 PM, complainant received obscene messages on her mobile phone from one mobile number 9770945637, based on which a complaint was lodged in the concerned police station against unknown person. During the course of investigation, aforementioned mobile number was found to be of present applicant, thereafter, instant crime was registered against him.
3. Mr. Pawan Kesharwani, learned counsel for the applicant would

submit that the applicant and the complainant are residents of same village and they were known to each other. Inadvertently, due to mistake, messages received in his mobile phone was forwarded to complainant's mobile phone without any ill-intention. It was an inadvertent mistake. He further submits that there was a settlement between applicant and the complainant. Complainant has filed an application pleading therein no objection in grant of bail to the applicant. He submits that the applicant is a government servant posted as Constable, hence, he may be granted benefit of Section 438 of CrPC.

4. On the other hand, Mr. B.P. Banjare, learned State counsel opposes the submissions made by learned counsel for the applicant.
5. Mr. Anmol Sharma, learned counsel for objector, submits that he has filed an application on behalf of complainant on 21.07.2021 wherein the complainant has specifically stated that she has entered into the settlement with applicant and she is having no objection on grant of bail to the applicant.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration, the nature of allegation, the submissions made by learned counsel for the applicant as well as the settlement arrived in between the applicant and the complainant as stated by learned counsel for the applicant and objector based on the application submitted with an affidavit by the complainant, without commenting anything on merits, I am inclined to allow this bail application.
8. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question

(162/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge