

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1013 of 2021**

- Md. Akhlakh S/o Shri Kurbaan Ali Aged About 50 Years R/o Ward No. 9 Mauhaarpara, Manendragarh, Thana And Tehsil Manendragarh, District Koriya, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Chirmiri, District Koriya, Chhattisgarh

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

26.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 440 of 2020 registered at Police Station Chirimiri, District-Koriya, Chhattisgarh for commission of offense punishable under Section 509 B of IPC.
2. Case of the prosecution, in brief, is that, on 14.11.2020, written complaint was lodged by complainant, mentioning therein that she is connected with one Facebook Group and on 12.11.2020, she received one post on the eve of 'Dhanteras' in which, some obscene words were used. Again on 14.11.2020, she again received message with indecent language from same account number. Based on her written report, crime was registered and applicant was arrested by Police. Applicant was released on personal bond, at the time of filing of charge-sheet, it came to the knowledge of investigating authorities that offence against applicant is non-bailable and they have initiated proceedings for his arrest.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Parag Kotecha, learned counsel for the applicant would submit that in pursuance of registration of offence against applicant, he was arrested initially on 08.02.2021 by Police. Applicant was released on bail on his personal bond and thereafter, he participated in investigation proceedings. When Police went to submit the Charge-sheet, at that relevant time, Court below pointed out that offence alleged against applicant is non-bailable and investigating agency erred in releasing applicant on bail on his personal bond. He submits that applicant after his arrest, was released, participated in investigating proceedings, hence, he may be enlarged on anticipatory bail. It is also contended that no custodial interrogation is required.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that applicant was erroneously released on bail on his personal bond. However, he does not dispute that after release of applicant on personal bond, Police completed investigation and they revealed their mistake at the time of filing of charge-sheet in Court.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, particularly, the fact that applicant was initially arrested by the Police in this crime, thereafter he was released on bail on his personal bond, he participated in investigation proceedings, without commenting anything

on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE