

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1166 of 2021**

Farzana Khatoon D/o Mo. Shabir Ali Aged About 18 Years R/o Village Mangri Chowk, Ward No. 11, Village Post And P.S. Jagdishpur, District Bhojpur, (Bihar)., District : Bhojpur, Bihar

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant - Shri Tanuj Patwardhan, Advocate on
behalf of Shri Gopal S. Gupta, Advocate.
For Respondent/State - Shri B.L. Sahu, Panel Lawyer.

Hon'ble Justice Shri N.K. Chandravanshi
Order On Board

24/11/2021

1. Heard.
2. The applicant has preferred this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she apprehends her arrest in connection with Crime No.125/2021, registered at Police Station Ambikapur, District: Surguja, Chhattisgarh for offences punishable under Sections 509 (B) of the Indian Penal Code, Section 11/12 of the Protection of Children from Sexual Offences Act and Section 66 (D) of the Information Technology Act.
3. Prosecution story, in brief, is that the marriage of the complainant with main accused – Golu was being negotiated, hence, sometimes they used to go outside. Taking advantage of this opportunity, main accused Golu took some obscene/intimate photos of himself with the complainant in his mobile. The

applicant is said to be girlfriend of main accused Golu. Thereafter, the present applicant and main accused Golu started threatening the minor victim/prosecutrix that they will make their intimate photographs viral in social media. Based on the above facts, present crime was registered against Golu and the present applicant under Section 509 (B) of the Indian Penal Code, Section 11/12 of the Protection of Children from Sexual Offences Act and Section 66 (D) of the Information Technology Act.

4. Learned counsel for the applicant would submit that applicant is about 18 years of age, she is innocent girl, she has been falsely implicated in the present case only on the ground that she is known to main accused Golu. He would next submit that main accused Golu has been granted regular bail vide order dated 08-06-2021 by the coordinate Bench of this High Court in MCRC No.2606/2021. He also submits that after investigation, charge sheet has been filed against main accused Golu under Sections 509 (B) of the Indian Penal Code and Section 67, 67 (A) of the Information Technology Act and Sections 11 and 12 of the Protection of Children from Sexual Offences Act, but since the present applicant has not been arrested yet, hence charge sheet has not been filed against her. Considering the above facts, the applicant may be granted benefit of anticipatory bail.
5. On the other hand, learned State counsel would opposes the submissions made by counsel for the applicant submitting that the present applicant is also involved in commission of present crime, hence she is not entitled to grant anticipatory bail.
6. I have heard learned counsel for both the parties and perused the material available on record.
7. Considering the facts and circumstances of the case, nature and gravity of offence and also taking into consideration that main accused has been granted regular bail by the coordinate Bench of this High Court in MCRC No.2606/2021 on 08-06-2021, the

applicant is said to be girl of 18 years of age, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) that she shall make herself available for interrogation before the Investigating Officer as and when required;

(ii) that she 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 she shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that she shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

SD/-

(N.K. Chandravanshi)
Judge

Amardeep