

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No.1150 of 2021**

Sunil Kumar Sahu S/o Shree Rajbali Sahu Aged About 26 Years Occupation Business, R/o Village Rajmilan, Thana-Madha, District Singrauli Madhya Pradesh.

**---- Applicant****Versus**

State of Chhattisgarh Through Station House Officer, Police Station Lakhanpur, District- Surguja Chhattisgarh.

**---- Non-applicant**

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 For Applicant : Shri Rahul Agrawal, Advocate  
 For Non-applicant/State : Ms. Anjali Singh Chauhan, P.L.  
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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**01.10.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 122 of 2021 registered at Police Station Lakhanpur, District Sarguja (C.G.), for offence punishable under Sections 354, 509-B, 365, 386 of Indian Penal Code and Section 66(c) of Information Technology Act.
2. Case of the prosecution, in brief, is that, complainant was relative of co-accused Kamlesh Gupta. She was having talking terms on mobile phone with Kamlesh Gupta prior to her marriage. Complainant got married in the year 2017. Co-accused Kamlesh Gupta on mobile phone has given

threatening to her husband stating that complainant is his. Co-accused gave number of calls on her mobile phone, abused her and also threatened her, upon which, they have put off the number, which was with Kamlesh Gupta. On 11.03.2021, Kamlesh Gupta again gave call to complainant on mobile phone of her father and asked her to come in Deoghar Fare stating that he will hand over all photographs, video and audio recordings of mobile phone in between them to her, upon which, she went to Deoghar Fare where she met Kamlesh Gupta. Kamlesh Gupta was associated with one Chhotu, driver of Bolero Vehicle and one another person. Her minor child was taken by Santosh Gupta and threatened her to sit in Bolero Vehicle, otherwise he will kill minor child, upon which, she accompanied Kamlesh Gupta and two others. He was taken far away from the Fare place and on account of threat, some photographs and videos have been prepared, at that time, Chhotu and another person taken minor child of complainant far from the place of incident. Co-accused thereafter stated that he will not give any video and audio recordings, and photographs to her and went away. Incident was reported to concerned Police Station, based upon which, aforementioned crime was registered against Kamlesh Gupta and Chhotu, driver of Bolero Vehicle. Based on the memorandum statement of Kamlesh Gupta, present applicant is also implicated in crime.

3. Shri Rahul Agrawal, learned counsel for the applicant would submit that applicant has been falsely implicated in the case. He is not named in First Information Report and in no manner related to complainant. He is even not resident of Chhattisgarh, but of District Singrouli, Madhya Pradesh. There was delay in lodging First Information Report and alleged incident is stated to be of 12.03.2021, whereas First Information Report is registered only on 09.07.2021. He further submits that there is no allegation of participation of applicant in any manner in instant crime, hence, he may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chauhan, learned Panel Lawyer for the State opposing the submissions made by learned counsel for the applicant, would submit that serious allegations have been levelled in written report against co-accused Kamlesh Gupta and at the time of incident, applicant along with one Chhotu was present. Kamlesh Gupta is main accused in commission of crime. She further submits that as per allegations, Chhotu and another person present in Bolero Vehicle, took child of complainant far from the place where Kamlesh Gupta misbehaved and tried to outrage the modesty of complainant. Complainant was not knowing the name of third person, hence, in First Information Report, it is mentioned as one another person, whereas in memorandum

statement of Kamlesh Gupta, who is known to complainant, it has come that third person who was present is the present applicant, hence, he is not entitled for benefit under Section 438 of Cr.P.C.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature of allegations and the manner, in which, alleged crime is stated to have been committed, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

**Sd/-**  
**(Parth Prateem Sahu)**  
**Judge**