

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1561 of 2020**

1. Bhimsen Banjare, S/o Shri Narayan Lal Banjare, aged about 35 years, R/o Sadguru Chhaya, Ward No.50, near Jaitkhambh, Borsibhatha, PS Durg, Tahsil and District Durg (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through- the Station House Officer, Police Station Jagdalpur, District Bastar (CG)

---- Non-Applicant

For Applicant : Shri Vipin Tiwari, Advocate.
 For Non-Applicant : Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/01/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.419/2020, registered at Police Station Jagdalpur, District Bastar for offences punishable under Section 498-A and 509-B of the IPC.
2. The applicant was married with the complainant on 27.2.2012 and they have one son from the marriage who is presently residing with the applicant. They are residing separate since July, 2019. As per the complaint, the applicant has used phone and facebook id of the complainant to send the obscene messages to her contact to make it appear that it was the complainant who is doing such acts.
3. On specific query, learned State Counsel submits that at the present stage of investigation, the concerned police has neither seized the device used for sending messages through the phone id and the facebook id of the complainant nor investigation regarding cyber crime

is available, though it has been sent to the Cyber Cell.

4. Considering that the controversy between the parties is in the nature of marital dispute and there is no allegation of committing physical cruelty nor demand of dowry and the applicant is the Ayurvedic Doctor, I am inclined to extend the benefit of anticipatory bail to the applicant.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) he 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)