

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1678 of 2020**

- Smt. Beena Sharma W/o Shisir Prakash Sharma, Aged About 35 Years R/o Quarter No. 13/ D, Street No. 08, Sector- 1, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Incharge Of Police Station Supela, Bhilai, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Mishra, Advocate.
For Respondent. : Mr. Ghanshaym Patel, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12.04.2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No. 603/2020 registered at Police Station - Supela, Bhilai, District Durg (C.G.) for commission of the offence punishable under Section 509-B of the Indian Penal Code.
2. The prosecution case, in brief, is that First Information Report was lodged by the complainant alleging therein that on 22.08.2020 she received some filthy and indecent messages on her phone through Whatsapp from the applicant herein.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that applicant is a housewife, she lives with her husband and in laws in Bhilai. This is her

second marriage and due to some reason there was family dispute between them. The applicant came to know that one Gurmeet (complainant herein) was trying to interfere with the family matter of the applicant on different occasion. Based on that applicant made a written complaint before the police station against the complainant which is annexed here as Annexure A/4. He further added in his submission that when there was no option left to stop Gurmeet (complainant) from interfering with here family matter, the applicant simply wrote to her in order to stop her and no abusive or indecent word was used in the messages.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the nature of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make herself available for interrogation/medical examination before the concerned investigating 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 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 her by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

V/-