

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 25-2-2021Order delivered on 10-3-2021MCRCA No. 1705 of 2020

- Girish Pandey S/o Shri Sooraj Prasad Pandey Aged About 48 Years R/o Nirala Nagar, P.S. Tarbahar, Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Gudhiyari, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Shishir Dixit, Advocate
For Respondent /State	:-	Mr. Alok Nigam, G.A.
For Objector	:-	Mr. Manish Sharma, Advocate

Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.201/2020, registered at Police Station Gudhiyari, Raipur, District Raipur C.G. for offence punishable under Sections 354(A), 385, 506, 509(B) of the I.P.C.
3. As per written complaint lodged by the prosecutrix, aged about 39 years, on 31-10-2020, after death of her husband in 2010 she is residing at her parental house. She met the applicant in a social gathering about one year back whereafter they remained in contact

through mobile conversation. Applicant was repeatedly requesting for sexual relation to which she refused, therefore, the applicant started talking obscenely and threatening her to defame her in social media if she does not accept the proposal of physical relation. In her subsequent statement she has alleged that the applicant has sent letters to her relatives by using pseudonymous, the contents of which are objectionable, indecent and obscene and also sent her obscene photographs. He has informed her brother Deepak Agrawal through her friend Aditi Shukla that there is an obscene video of the prosecutrix, which would be circulated in social media.

4. Learned counsel for the applicant would submit that the applicant met the prosecutrix at a meditation camp at Raipur in December, 2019 and returned to his native place at Bilaspur. In January, 2020 he started getting calls and messages from the prosecutrix whereafter they developed friendship, which culminated into an affair, which continued till September, 2020. Thus, there was consensual relation between him and the prosecutrix and they decided to marry, however, when she started receiving defaming letters, she doubted that it is the applicant who is doing all this. Her brother started threatening the applicant, therefore, the applicant lodged the complaints with the Inspector General of Police, Bilaspur Range, Bilaspur, on 26-10-2020, 28-10-2020 & 30-10-2020 and also lodged a complaint with the Inspector General of Police, Raipur Range, Raipur on 26-10-2020. In substance, learned counsel would submit that the relationship being consensual, as would be clear from the text & tenor of the WhatsApp chat between them, the applicant is entitled to be released on anticipatory bail.

5. Learned counsel for the State as also learned counsel for the Objector, *per contra*, would oppose the bail application.
6. Having heard learned counsel for the parties and having seen the material available in the case diary, it appears the applicant and the prosecutrix were having some kind of relationship. The letters allegedly sent by the applicant do not contain the name of the applicant. There is no material establishing that it was the applicant, who sent the letters. The text & tenor of the WhatsApp messages exchanged between the applicant and the prosecutrix are suggestive of a consensual behavior of the parties, therefore, considering the entire facts situation of the case, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on 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 make himself available for interrogation by a police officer as and when required;
- (ii) 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;
- (iii) the applicant shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge