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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1765 of 2020**

- Ajay Hardiya, son of Surendra Kumar Hardiya, aged 28 years, Occupation Service, R/o LW/6, Sethi Nagar, District Ujjain (MP)

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Civil Lines, District Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicant	: Shri Ashutosh Sharma, Advocate.
For Non-Applicant	: Shri Alok Nigam, Govt. Advocate.
For Objector	: Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/02/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.766/2020, registered at Police Station Civil Lines, District Bilaspur for offences punishable under Sections 376, 385 and 500/34 of the IPC.
2. The prosecutrix, aged about 26 years, joined the PSC coaching at Bilaspur in 2017 and started residing at Punjabi Colony, Dayalbandh, Bilaspur. She came in contact with co-accused Rajnish Tiwari through facebook and thereafter exchanged the mobile numbers and developed an affair with him. It is alleged that Rajnish Tiwari committed sexual intercourse with the prosecutrix in December, 2018 and called her to village Kotma where they stayed together for a period of 10 days, during which she was subjected to sexual intercourse which continued till October, 2019. During this period, the applicant came in contact with the prosecutrix and tried to blackmail her by sending his intimate

photographs with the prosecutrix to Rajnish Tiwari. Thereafter this applicant and co-accused Rajnish Tiwari tried to jointly exploit the prosecutrix sexually, but they did not succeed. Fed up with the effort of the accused persons to blackmail her, she lodged the FIR.

3. Learned State Counsel and learned counsel for the Objector would oppose the bail application.
4. Admittedly, the present applicant never succeeded in committing sexual intercourse with the prosecutrix. It was co-accused Rajnish Tiwari who sexually exploited the prosecutrix from December, 2018 to October, 2019. As against the present applicant, the allegation is only of trying to blackmail and seek sexual favour from the prosecutrix in which he did not succeed. Co-accused Rajnish Tiwari has already been extended the benefit of anticipatory bail by the Sessions Court vide order dated 12.11.2020 (Annexure-A/2).
5. Considering that the co-accused facing very serious allegations has already been enlarged on anticipatory bail, I am inclined to extend the benefit of anticipatory bail to the present applicant also.
6. 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)

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