

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 12 of 2021**

- Rishabh Luniya S/o Subhash Chand Luniya, aged about 32 years, R/o Halwai Line, Ward No. 23, Police Station Kotwali, Tahsil & District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Kotwali, District Jagdalpur (C.G.)

---- Respondent

For Applicant : Mr. Aditya Bhardwaj, Advocate.
For Respondent. : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/06/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.179/2020 registered at Police Station - Kotwali, District Jagdalpur (C.G.) for commission of the offence punishable under Sections 509(A) (B), 354 (D) of Indian Penal Code and Section 67 of the Information Technology Act.
2. The prosecution story, in brief, is that complainant Deepali Jain lodged a written report against the applicant alleging therein that the applicant (ex-husband) has continuously sent obscene messages to her and her parents on mobile phone with an intention to harass them mentally. Based on this, offence has been registered against the applicant.
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 the applicant is ex-husband of the complainant and their marriage has been dissolved on 16.06.2026 by decree of divorce on the ground of applicant being insane. The treatment of the applicant is continuously going on and he is at the stage of recovery, but he sometime develops nerve breakdown and anxiety issue. Therefore, anticipatory bail may be granted to the applicant.

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, further considering the fact that marriage of the applicant has been dissolved by decree of divorce on the ground of insanity, without commenting anything on merit 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, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one 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 himself 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 him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

pkd