

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4850 of 2015**

- Prashant Kmar Nayak, S/o Shri Dwari Polai, aged about 32 years, R/o Kumda colony, P.S.-Vishrampur, Distt. - Surguja (C.G.) permanent resident of Village – Doobapalli, Post – Chinghurai, P.S.-Purusottampur, Distt. - Ganjam (Orissa)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station – Mahila Thana, Ambikapur, Distt. - Surguja (C.G.)

---- Non-applicant

For Applicant:	Mr. Vineet Kumar Pandey, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 05/2015 registered at Police Station Mahila Thana, Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Section 292 (क) of Indian Penal Code & 67 “A” of Information & Technology Act & under Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986.

(2) Case of the prosecution, in brief, is that applicant took obscene photograph of the complainant and posted the same to the mobile number of her husband through whatsapp and,

thereby, committed the aforesaid offences.

(3) Counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the offence in question as the said obscene photographs was not posted by the applicant in her husband's mobile number through whatsapp. He further submits that applicant is in jail since 14.08.2015 and the charge sheet is yet to be filed and offences are triable by Judicial Magistrate First Class and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and the manner in which applicant is said to have posted obscene photographs to the mobile number of complainant's husband, I am not inclined to release the applicant on bail. Thus, the bail application is dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-