

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.732 of 2016**

Mohar Khan S/o Abdulla Khan, aged about 30 years, R/o Ward No.2
Ratanpur, Police Station-Ratanpur, Civil and Revenue District-Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through-Station House Officer, Police Station
Ratanpur, District Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

01/03/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.264/2015, registered at Police Station-Ratanpur, District-Bilaspur (CG), for the offence punishable under Sections 384 & 120B of the IPC and Section 66A of the Information and Technology Act.
2. Case of the prosecution, in brief, is that on 25.10.2015 the present applicant forwarded obscene message through computer of his employer Sanjeev Gupta to Pradeep Thakur and co-accused Pradeep Thakur demanded ₹2,00,000/- from complainant Sajeev Gupta and Jitendra Dubey, Mahendra Dubey & Buddhi Sagar Soni also demanded ₹2,00,000/- from complainant Sajeev Gupta by extortion.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that no obscene message has been received from computer of employer Sanjeev Gupta, money has been

demand by Pradeep Singh Thakur, Jitendra Dubey, Mahendra Dubey and Buddhi Sagar Soni, the present applicant did nothing and there is false complaint against him. He would also submit that the applicant is in jail since 14.1.2016 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; statement of the applicant that there is no demand by the present applicant from complainant Sanjeev Gupta and further statement that he is only an employee of Sanjeev Gupta and he has not demanded any money from the complainant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-