

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1041 OF 2016**

Digeshwar @ Paku Vaishnav S/o Ghasidas Vaishnav aged about 22 years R/o village Ranpota Police Station Hasoud District Janjgir-Champa C.G.

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Janjgir and also through Police Station Hasoud District Janjgir-Champa C.G.

---Non-applicant

For Applicant	:	Mr. D. Kushwaha, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/03/2016**

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. 152/2015, registered at Police Station Hasoud, District Janjgir-Champa (C.G.), for the offence punishable under Section 354(ग)(घ) r/w 34 of Indian Penal Code and Section 67(क) of Information Technology Act.

2. Case of the prosecution, in brief, is that, applicant and co-accused persons promoted off-scene photographs of complainant/victim and thereby made it circulated the said photographs and committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that charge sheet has been filed and applicant is in jail since 29/10/2015 therefore, he may be released on 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 and circumstances of the case; further taking into consideration the nature and gravity of offence; co-accused already granted bail by Co-ordinate Bench of this Court in M.Cr.C. No.6686/2015 on 09/12/2015; role of the applicant; charge sheet has already been filed and applicant is in jail since 29/10/2015, this Court is of the opinion that present is the 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 applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge