

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1298 of 2016**

Pradip Singh Thakur, son of Shatrughan Singh Thakur, aged about 32 years, R/o Ward No.4, Ratanpur, Tahsil Kota, P.S. Ratanpur, District Bilaspur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through the Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.)

-----Non-applicant

For Applicant: Mr. Ranbir Singh Marhas, Advocate.
For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/04/2016**

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. 264/2015 registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offences punishable under Sections 384, 120-B/34 of the Indian Penal Code and Section 66-A of the Information and Technology Act.

(2) Case of the prosecution, in brief, is that on 25.10.2015 co-accused Mohar Khan forwarded obscene message through computer of his employer Sanjeev Gupta to present applicant and applicant demanded Rs. 2,00,000/- from complainant Sanjeev Gupta and Jitendra Dubey, Mahendra Dubey & Buddhi Sagar Soni also demanded Rs.2,00,000/- from complainant Sanjeev Gupta by

extortion.

(3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence and as such, the obscene message has not been even seized from the computer seized. He further submits that three co-accused persons have already been released by the court below whereas one co-accused Mohar Khan has already been released on bail by this Court in M.Cr.C. No.732/2016 decided on 01.03.2016; applicant is in detention since 13.11.2015; and the charge sheet has already been filed and therefore, the applicant is also entitled for bail on the ground of parity.

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

(5) Taking into consideration the facts & circumstances of the case; role of the applicant in the offence in question; his detention period and taking into account that no obscene messages have been seized from the computer seized; similarly situated co-accused persons have already been released on bail; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

