

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2517 of 2016**

Prabhat Singh, S/o Shri Shravan Singh, aged about 31 years,  
R/o Sahid Chowk, Barsur, Police Station Barsur, District  
Dantewada, presently residing at Main Road, Dantewada, Police  
Station City Kotwali, Dantewada, District Dantewada (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, police of  
Police Station City Kotwali, Jagdalpur, District Bastar (CG).

**---- Non-applicant**


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| For Applicant     | : | Shri Kishore Narayan, Advocate |
| For Non-applicant | : | Shri Dhiraj Wankhede, G.A.     |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Order On Board**

**01/06/2016****(1)** Heard.

**(2)** This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 22.03.2016 in connection with Crime No.79/2016 registered at Police Station City Kotwali, Jagdalpur, District Bastar for the offence punishable under Section 292 of the Indian Penal Code and Sections 67, 67-A of the Information Technology Act.

**(3)** Case of the prosecution, in brief, is that, the applicant is alleged to have posted obscene material on the whatsapp message which contains sexually explicit act or conduct.

(4) Learned counsel appearing for the applicant submits that the applicant has not committed any sexually explicit act but the alleged material is a statement. He further submits that maximum sentence prescribed for offence under Section 67 of the Information Technology Act is three years, which is bailable in nature. He also submits that offence under Section 292 of the Indian Penal Code is also bailable in nature and further detention of the applicant is not necessary, he is in jail since 22.03.2016 and he is not likely to temper with the prosecution witnesses, therefore, he may be released on bail.

(5) On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the applicant has used abusive words in the whatsapp posting, therefore, it is a *prima facie* case of the prosecution under Section 67 of the IT Act and also the case under Section 67-A of the IT Act. He further submits that some of the complainants and witnesses have complained that they are being threatened for dire consequences by the applicant, therefore, if the applicant is granted bail, he is likely to abscond and misuse the liberty.

(6) Taking into consideration the facts and circumstances of the case; nature of allegation against the applicant, further considering the submission that the applicant has not circulated any material containing sexually explicit act or conduct and that offence under Section 292 of the Indian Penal Code is bailable in nature; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) 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, subject to the condition that if the applicant is again found involved in similar offence, bail granted to him shall liable to be cancelled on application for cancellation that may be moved by the prosecution.

**(8)** Certified copy, as per rules.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Vacation Judge

L/-