

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2799 of 2016

Deepak Kumar Gupta @ Janu, S/o. Shri Surendra Gupta, Aged About 24 Years, R/o. Mohalla Bhaiyathan Road, Surajpur, P.S. & Tehsil Surajpur, Civil & Rev. District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Vishrampur, District Surajpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Shankti Raj Sinha, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.58/2016, registered at Police Station Vishrampur, District Surajpur (C.G.) for the offence punishable under Section 354, 354(A)(1), 354(C)/34 of I.P.C. & 7, 8, 11(5), 12 of POCSO Act and 67(B) of I.T. Act.
2. Case of the prosecution, in brief, is that during marriage ceremony of the elder brother of one girl named Sapna, the applicant Deepak and other co-accused Vishal along-with Sapna & Richa went to the staircase where certain photographs were taken by Vishal of Sapna and further the applicant tried to outrage the modesty of a girl named Richa. Subsequently, after the date of incident on 01.03.2016, a report was made on 13.03.2016; thereby the offence is committed.

3. Learned counsel for the applicant would submit that the only allegation against the applicant is that he has taken photographs of Sapna and Vishal and the photographs were obtained at the instance of Sapna and Vishal and the applicant has been falsely implicated in this matter. It is further submitted that the charge sheet has been filed and the applicant is in jail since 15.03.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the charge sheet and the statement. Considering the degree of allegation made against the applicant and the fact that the charge sheet has been filed and further taking into fact that the applicant is in jail since 15.03.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge