

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.533 of 2016

Swapnil @ Saurabh Gautam, S/o Virendra Singh Gautam/Thakur, aged about 25 years, R/o Rudri Colony, Q.No.487, Rudri, Post Office & Police Station Rudri, Tahsil & District Dhamtari (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Rudri, District Dhamtari (C.G.)

---- Non-applicant

For Applicant:	Mr. Shivendu Pandya, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.
For Objector:	Mr. P.P. Sahu, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.102/2015, registered at Police Station Rudri, Distt. Dhamtari, for the offence punishable under Sections 292, 506, 509 of the IPC and Section 67A of the Information Technology Act, 2000.
2. Case of the prosecution, in brief, is that the applicant prepared obscene video of the complainant and transmitted in the electronic form with obscene material which contains sexually explicit act and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that offence under Sections 292 and 506 of the IPC are bailable whereas under Section 67A of the Information Technology Act, 2000, only five years punishment is

prescribed.

4. On the other hand, learned State counsel opposes the application and submits that the applicant has not only prepared obscene video of the complainant but also transmitted the same in the electronic form to social media and thereby committed the offence.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant and the manner in which the obscene video has been prepared and uploaded in social site, I do not consider it a fit case to enlarge the applicant on regular bail, at this stage. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge