

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6032 of 2016

1. Ashok Jaiswal, S/o. Basohar, aged about 25 years, R/o. Ashok Nagar, Sarkanda, Police Station – Sarkanda, District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Suryakant Mishra, Advocate
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/11/2016

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.524/2016, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 509 of Indian Penal Code and Section 66-A, 66-B of Information of Technology Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that the applicant in the face-book from 12.04.2016 to 31.08.2016, has sent obscene messages and thereby tried to outrage the modesty of the girl and on report being made, investigation carried out and on the basis of the evidence, the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the girl has been examined before the Court and no statement has

been given by her against the applicant. It is further submitted that Rakesh Masih and Ashok Jaiswal are different persons and the report was made against Rakesh Masih and not against the Ashok Jaiswal, therefore, no allegation have been alleged against the applicant, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim. Considering the fact that the statement is to be appreciated along with other evidence. Taking into the degree of allegation and as appears the victim has been examined, the offence is triable by JMFC and further taking into the detention of the applicant, this Court is of the opinion that present is a 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge