

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6579 of 2016

1. Jyoti Prakash Mishra, aged about 26 years, S/o. Rajendra Kumar Mishra, R/o. House No.271, Kumda Colony, Vishrampur, Police Station – Vishrampur, District – Surajpur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

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.328/2013, registered at Police Station – Civil Line Raipur, District – Raipur (C.G.) for the offence punishable under Section 384, 295(A), 506 of Indian Penal Code and Section 4, 6 of Mahilaon Ka Ashisht Nirupan Pratirodh Adhiniyam, 1986.
2. Case of the prosecution, in brief, is that a report was made by victim girl that on 23.02.2013 that the applicant has taken obscene photographs and threatened her that it will be loaded in the Internet and it will be made viral in case she do not pay the amount or developed some physical relation and tried to extort money. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that on 28.04.2012 the applicant has lodged a report against Piyush Tiwari and Rupa Tiwari, who had obtained the amount to provide job from the different person including the applicant and in that case when Piyush Tiwari was released on bail on 01.04.2013, subsequently a report was made by the victim girl for incident happened on 23.02.2012 and the report was made on 25.09.2013 i.e. after one year and three month. It is further submitted that neither mobile was seized nor any call details was produced by the police and the applicant has been falsely implicated in this case, 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 case diary and the statement. The alleged incident is said to have been committed on 23.02.2012 for which a report was made on 29.05.2013. The delay in this case has not been explained. The case diary also do not contain any mobile or call details. Taking into the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and the applicant is in jail since 26.09.2016, 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

Balram