

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7104 of 2016

- Bijendra Vishwakarma S/o Dashrath Vishwakarma, Aged About 27 Years Caste Lohar, R/o Najarpur Tahsil Thana Jinnardev Tahsil & District Chindwara (Madhyapradesh)

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Narayanpur District Jashpur Chhattisgarh

---- **Respondent**

For Applicant : Mr. N.K. Malviya, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

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 on 8-10-2016 in connection with Crime No. 127 of 2015, registered at Police Station Narayapur, District Jashpur (CG) for the offence punishable under Sections 507 of the IPC and Section 67 (A) of the Information Technology Act.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that she received obscene message in her mobile and on report being made, it was revealed that the mobile was purchased in the name of the father of the applicant and he had used the same.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no

evidence on record to show that the said mobile was in the name of his father and applicant had used the same. He would further submit that the applicant is in jail since 8-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that the charge-sheet has not been filed and investigation is still going on.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge sheet has not been filed and investigation is still going on, I am not inclined to release the applicant on bail, at this stage.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed. However, considering the fact that charge-sheet has not so far been filed, applicant is at liberty to move afresh bail application before the court below after charge-sheet is filed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju