

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3488 of 2017**

Rahul Tiwari S/o Dhaneshwar Tiwari, Aged About 22 Years Occupation Student, R/o Fakkitola, Andi, Police Station Bortalav, Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant	Mr. B.P. Singh, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

2-8-2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 16-3-2017 in connection with Crime No. 84/2017 registered in PS Dongargarh, Distt. Rajnandgaon (CG) for offence punishable under Section 384 of the Indian Penal Code and Section 67-A of the Information of Technology Act.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Dongargarh Distt. Rajnandgaon as Cr. Case No. 139/2017. This is his first bail application before this Court. He is first offender. Trial may take some time. He is aged about 22 years. Looking to the entire allegation the maximum punishment in the matter is RI for 5 years including fine. He will not commit any offence in future if granted bail. He may be granted bail.
4. Per contra, learned State counsel opposes the bail application on the basis of the facts of the matter. The applicant by preparing fake facebook account placed photograph of the

prosecutrix and the applicant on it and also transmitted the material containing sexual explicit to damage the reputation and prestige of the prosecutrix and also gave threat, demanded Rs. 1.5 lacs otherwise he will upload obscene photographs in the facebook and whatsapp hence looking to the entire facts, instant MCRC may be dismissed.

5. Perused the entire matter.
6. As the applicant is the first offender, he is in jail since 4 months and 16 days till date, charge sheet is filed, he is first offender, trial may take some time, looking to the entire facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the JMFC, Dongargarh for his appearance before the said Court regularly as and when directed by the said Court.
7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police

Station Dongarhgarh on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. In addition, the applicant is directed not to communicate / contact in any manner with the prosecutrix and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix and the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.
9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge