

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6237 of 2017

Khushwant Nayak, S/o. Meghnath Nayak, Aged About 23 Years,
Medabahal, Police Station Sundargarh, District Sundargarh (Orissa).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police
Station Vidhansabha, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Kumar Mishra, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.11.2017

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 in connection with Crime No.130/2017 registered at Police Station- Vidhansabha, Raipur (C.G.) for the offence punishable under Section 67(A) of Information Technology Act.
2. As per the prosecution case, the FIR was lodged by the victim girl that someone has created a fake I.D. in the Facebook and phone number & photograph has been attached to it and thereafter has made obscene averments whereby she started receiving phone calls from different persons and on having reported the matter, it revealed that the present applicant has committed the offence.
3. Learned counsel for the applicant would submit that the kind of allegation which is made can be access by the mobile device by anyone apart from the applicant. He further submits that no cogent evidence is on record that the fake I.D. was created by the

applicant himself. It is further submitted that the charge sheet in this case has been filed and the applicant is in jail since 30.08.2017, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 30.08.2017 and the trial may take some time, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge