

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 235 of 2017

Bijendra Vishwakarma, S/o. Dashrath Vishwakarma, Caste-Lohar, R/o. Najarpur, Tahsil Thana Jinnardev Tahsil & District -Chindwara (M.P.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Narayanpur, District – Jashpur (C.G.)

---- Respondent

For Applicant	:	Mr. N.K. Malviya, Advocate
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2017

1. This is the second 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.127/2015, registered at Police Station- Narayanpur, District – Jashpur (C.G.) for the offence punishable under Section 507 of the Indian Penal Code and U/s. 67 (A) of the Information Technology Act. The first bail application was dismissed vide order dated 16.11.2016 in M.Cr.C. No.7104/2016 with liberty to repeat the same after filing of the charge sheet.
2. Case of the prosecution in brief is that, a report was made by the victim on 28.11.2015 that she received obscene messages on her mobile, which was given by her father and the said obscene messages were sent by the present applicant with whom she was engaged and on report being made the matter was investigated and it was found that the said mobile was being used by the present applicant.
3. Learned counsel for the applicants submits that the applicant has been falsely implicated in this case and the FIR is belated. It is further submitted that the applicant is in jail since 08.10.2016 and the charge-

sheet in this case has been filed and no further investigation is necessary. The first bail application was dismissed with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed. Therefore, the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Considering the facts and circumstances of the case and the fact that all the documents appears to have been recovered including detailed different messages. Taking into the fact that the applicant is in jail since 08.10.2016, charge-sheet in this case has been filed and no further investigation is necessary, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge