

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4249 of 2017

- Ashok Kumar Jaiswal @ Raju Lal S/o Birendra, Aged About 23 Years R/o Village Berla, Police Station Berla, District Bemetara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.04/2017 registered at Police Station Berla, District Bemetara for the offence punishable under Section 292 of IPC and Section 67 of Information Technology Act and Section 14(1) of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant uploaded the obscene photographs of the prosecutrix.

4. Learned counsel for applicant submits that the allegation against the application regarding uploading of obscene photographs is without any basis and only on suspicion, the case has been registered against the applicant. He next submits that in this case, investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper the prosecution witnesses. He submits that there is no allegation of physical assault on the prosecutrix, therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant uploaded the obscene photographs of the prosecutrix, therefore, prima facie, commission of offence under Section 14(1) of the of the Protection of Children from Sexual Offences Act, 2012 is made out.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation, material on record and that the applicant is in jail for the last six months and further that the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

8. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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