NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 985 of 2018

- Kapil Kumar Patel @ Motu Patel S/o Brijesh Patel, Aged About 22 Years R/o Pali, Police Station And Tahsil Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---Applicant

Versus

- State Of Chhattisgarh Through The Incharge Adim Jati Kalyan Thana Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh**.**

---- Respondent

For the Applicant	:	Shri Yogeshwar Sharma, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17.04.2018

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. 14/2017, registered at Police Station -Adim Jati Kalyan Thana, Janjgir, District– Janjgir-Champa, (C.G), for the offences under Section 354, 509, (b) of the Indian Penal Code and Section 3 (2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 66 (D) 67 (A) of Information of Technology Act.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 15.10.2017. After completion of investigation the charge-sheet has been filed and the case is pending before the trial Court. The trial is likely to take some time for its conclusion. The applicant is ready to abide by all the conditions which may be imposed while granting bail to the applicant, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that there is sufficient evidence collected in the investigation against this applicant that he was the person who used the mobile phone and posted objectionable and obscene photographs of the complainant/victim in the Whats Apps group. Looking to the grievousness of the offence committed by him, no case is made out for grant of bail.

4. The prosecution case is this that the applicant was infatuated to the complainant/victim. On 28.08.2017 he stopped her and proposed to marry with him. On her refusal, he posted her morphed objectionable and obscene photographs in the Whats Apps group of the complainant/victim. Further he also uploaded morphed photographs of the complainant/victim in a web side.

   Subsequent to lodging of the FIR this applicant has been arrested in this case.

5. Considered on the submission and contents of the case diary, the applicant is in detention since quite some time, after filing of the charge-sheet no purpose would be served, if the, applicant is kept in detention, till the completion of the trial, hence, this Court is of the opinion that this applicant should be released on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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 /-

(Rajendra Chandra Singh Samant)
Judge

Jamal