

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 17 of 2018

- Haridutt Sahu S/o Brijlal Sahu, Aged About 55 Years, R/o Paras Nagar, Kasdol, Police Station Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Tarendra Kumar Jha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-04-2018

1. Apprehending arrest in connection with Crime No.545/2017, registered at Police Station – City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh for offence punishable under Section 294A, 509B of the IPC and Section 67 of Information Technology Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant was not aware of the operation to be made on the mobile phone he has purchased recently, he had received some obscene video clip in one of the whatsapp chat and by mistake it was sent to the whatsapp group in which the complainant is a member. It was not a deliberate act on the part of this applicant. The applicant is an upper division clerk in Mini Mata College Baloda Bazar and if he is arrested and detained, his career will be jeopardized. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application.

4. I have heard the learned counsel for the parties and perused the case

diary.

5. The case against the applicant is this, that a complaint was filed by the Assistant Professor of Mini Mata Mahavidyalaya Baloda Bazar that one obscene video clip was received in the whatsapp group in which the complainant and other female lecturers and professors of the college were members and that video clip was sent by this applicant, because of which, all the female members of that whatsapp group have felt insulted. It is also alleged that on earlier occasion also the applicant had abused and misbehaved with the female lecturers and professors of the college. The case is under investigation.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. As the applicant is upper division clerk in the said college and the matter is still to be investigated, hence for these reasons, I am of this view that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer on condition that he shall not operate the whatsapp social networking site. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such

facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge