

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7377 of 2017**

Chova Ram Nishad, S/o. Ram Singh, Aged About 25 Years, R/o. Village Thekuna, Police Station -Simga, District - Bhatapara-Balodabazar, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Dharsiva, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kashif Shakeel, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.331/2017, registered at Police Station – Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 376, 493, 468, 509 (ख) of Indian Penal Code and Section 67-A of I.T. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant and prosecutrix had love affair and they had consensual physical relationship between them. As some objectionable photos were

uploaded in face-book account of a fake ID, the complainant/prosecutrix having suspicion on the applicant has lodged false FIR against him. There is no substance in the material in the charge-sheet to make out a case against the applicant. Applicant is in jail since 05.08.2017, he is ready to abide by all the conditions for grant of bail, therefore, it is prayed that he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that the applicant and the prosecutrix had love affair because of which they had physical relationship and during such act of physical relationship, the applicant had vedio recorded some event, which was later on uploaded in the face-book account bearing ID by the name of prosecutrix. Thereafter, the FIR was lodged.
6. Considered the submissions made and the contents of the case diary. Taking into consideration the investigation done with respect to the fake ID of facebook account and mobile subscriber number seized from the applicant, without making any comment on the evidence proposed to be produced against the applicant in prosecution, 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 the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram