

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2774 of 2018**

Mandeep Sharma S/o Late Todermal Sharma Aged About 32 Years
Occupation- Student, R/o- Lucky Colony, Street No. 5, Police Station-
Barnala, District- Barnala (Punjab), Punjab.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Kotwali, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri V.R. Tiwari, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.06.2018**

Heard.

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. 445 of 2017, registered at Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 354(D), 386, 506 and 509(B) of the Indian Penal Code and Section 66(C)(D) of the Information of Technology Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 22.12.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant and the complainant/ victim had

love affair and they met each other on number of times. No offence is made out under Section 386 of the IPC according to the evidence present in the case-diary. The charge-sheet has been filed against the applicant. The FIR lodged by the victim against the applicant is totally false and without any basis in this case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant has abused the faith of the complainant by making viral the photographs that were personal and intimate between both of them and also there is direct allegation about the demand of money with threat to make viral the photographs and videos of the meeting of the applicant and the complainant which shows that the offence committed is serious in nature. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant and the complainant both were known to each other and the complainant had met with the applicant in other places also on some occasions. It is alleged that during the meetings, the applicant snapped some photographs of their intimate moments and then by making use of such photographs started threatening the victim to submit to his wishes. It is also alleged that this applicant defamed the complainant by making public photograph with a wrong message. Subsequent to all events, it is alleged that this applicant made demand of Rs.5,000/- from the complainant and her family, and threatened that if the demand is not met with, then her obscene video shall be made

viral and thereafter, the applicant has made the said video viral. Hence, the FIR has been lodged against the applicant.

6. Considered the material present in the case-diary. After due consideration of all the aspects in this case, I am of the considered view that no purpose would be served in keeping the applicant in detention for the whole period of trial and the applicant has no criminal antecedents, the application deserves to be allowed.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge