

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3130 of 2018**

Nihaluddin, S/o. Shri Sheikh Naimuddin, Aged About 23 Years, R/o. Village Moudha, Post Office and Police Moudha, District Hamirpur (U.P.)

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Ganj, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/05/2018**

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.50/2018, registered at Police Station – Ganj, District – Raipur (C.G.), for the offence punishable under Section 509 (B) of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. Applicant is in jail since 03.04.2018. The sister of this applicant is getting married on 17th May, 2018. It is submitted that the mobile phone which was used for posting of objectionable messages was not owned by this applicant. There is no evidence to show that forged facebook ID belonged to this applicant. Hence, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that call records shows that this applicant was the person who had

prepared the forged ID and used the same for posting objectionable photograph and messages of the victim in this case. Hence, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant prepared a fake ID and used the same to post photographs of the complainant/victim in the social networking site facebook along with objectionable and obscene messages. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, it appears that there is no necessity to keep the applicant in custody till the conclusion of trial and the case against him is triable by J.M.F.C., hence for this reason, 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 today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge