

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4636 of 2018**

Soham Sarkar S/o Shri Jayant Sarkar Aged About 35 Years R/o- Anandam Apartment, Mudapar, By-Pass Road, Quarter No. B-302, Korba, P.S. Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sudhir Kumar Bajpai, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

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. 57 of 2018, registered at Police Station City Kotwali, Bilaspur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 354(D) and 509-B of the Indian Penal Code and Section 67 of the Information Technology Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 9.5.2018 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. There is no evidence to show the applicant being connected with the commission of offence in this case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsels for the State oppose the bail application and the submissions made in this respect.

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

5. According to the case against the applicant, the applicant and the complainant had some dispute between them and thereafter, the daughter of the complainant started receiving obscene messages from some unknown subscriber because of which, the FIR has been lodged against the unknown person. During investigation, the applicant has been arrested by the police alleging the commission of the said offence.

6. Considered the material present in the case-diary. Looking to the investigation that has been made so far for the reason that there is no further requirement of any custodial interrogation of the applicant or for the purposes of the investigation to be completed in this case, I am of the view that in this case the applicant deserves to be enlarged on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge