

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4735 of 2018

- Santosh Kushawaha S/o Shri Shewai Lal Kushwaha Aged About 21 Years R/o Village House No. 139, Ward No.15, B.Sheem Colliery, Khogapani, (Nagar Panchayat) Koriya, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Smriti Nagar, Police Station Supela Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Rabiya Khan, Advocate.
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/07/2018

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.584/2018 registered at Police Station– Outpost Smriti Nagar Supela Bhilai District– Durg(C.G.) for the offence punishable under Sections 354, 354-C of the Indian Penal Code and Section 66(D), (E) of Information Technology Act, Section 11 of Protection of Children from Sexual Offences Act(for short “POCSO Act”).
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since

24.6.2018. No case is made out against him. The mobile phone of applicant was used by somebody else to record the obscene video. The applicant is a student, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the charge against the applicant is of very serious nature, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that while the victim in this case and her mother were bathing in the bathroom, this applicant prepared a video clipping by using his mobile phone. When it was discovered then victim made an inquiry from the applicant, to which reacted by outraging her modesty and making indecent gesture, hence, the FIR has been lodged against him.
6. Considered on all the material present in the case diary, as it appears that there is no requirement of any custodial interrogation of the applicant for the purpose of any investigation pending. Hence, I am of this view that this is a fit case where the application filed by the applicant is deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

