

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 839 of 2018

- Jitendra Kumar Sinha S/o Gajeshwar Sinha Aged About 28 Years R/o Village Chhuiya, Police Station Fingeshwar, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate.
For Respondent/State : Mr. Lav Sharma , Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.74/2018 registered at Police Station-Fingeshwar, District – Gariyaband(C.G.), for the offence punishable under Sections 509(B), 34 of the Indian Penal Code and Section 66(1) of Information Technology Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Firstly he was not the person, who posted the photograph in the Whatsapp group chat. The only act on his part that he commented on the photograph of the victim, that the

girl is daughter of complainant Bhagirathi, on that basis, no offence is made out against him. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. The case against this applicant is this, that some unknown person posted a GIF in the Whatsapp group named as "Mor Sangwari". The allegation against the applicant is this, that he as the member of whatsapp group has commented that the girl in the GIF was daughter of Bhagirathi. Complainant found this objectionable and has lodged FIR.
6. Considered on entire material present in the case diary and after due consideration on all the material available on record, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha