

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6204 of 2018

- Prince Kashyap S/o Shri Dinanath Kashyap Aged About 20 Years R/o Village Darripura P.S. Ambikapur, District, Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Incharge P.S- Gandhinagar, District- Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sunil Tripathi, Advocate.

For Non-applicant : Mr. S. Jhanwar, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

29.10.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 193/2018 registered at Police Station – Gandhinagar, District- Surguja (C.G.) for the offence punishable under Sections 354GA, 354Gha(1-2), 509Kha of the Indian Penal Code and Sections 66(3), 67, 67-Ka of the I.T. Act.
3. Case of the prosecution, in brief is that in brief prosecution case is that prosecutrix is near about 24 years old and she is resident of village Digma. Applicant had made fake ID and sent the obscene massages to

the prosecutrix.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that one criminal case of the same nature has been registered against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE