

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6729 of 2018**

Inayat Hussain, S/o Mohammad Kasim, Aged About 27 Years, R/o-  
Madannagar, P.S.- Pratappur, Tahsil And District- Surajpur,  
Chhattisgarh

**---- Applicant****Versus**

State of Chhattisgarh, Through- Police Station - Pratapur, Chhattisgarh

**---- Respondent**


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| For Applicant.  | : | Shri S.A. Ansari along with Ms. Aparajita<br>Gaikwad, Advocate. |
| For Respondent. | : | Smt. M. Asha, PL for State                                      |

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**Hon'ble Smt. Justice Rajani Dubey**  
**Order on Board**

**10/10/2018**

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.115/2018 registered at Police Station : Pratappur, District - Surajpur (C.G.) for the offence punishable under Section 295 of the IPC and Sections 67 and 67-A of the Information Technology Act,2000.
2. As per the prosecution case, on 29.07.2018 a report was lodged in the Police Station by the complainant alleging in it that on 28.07.2018 at about 06.15 p.m. the accused/applicant namely Inayat Khan has shared some obscene photographs of Goddess Durga through his whatsapp number 9669347049 which caused

great annoyance to him and an attempt was made by the applicant to tarnish reputation of the Hindu religion. Based on this, the offence has been registered against the applicant and he is in custody since 29.07.2018.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and that he has not shared such photographs on whatsapp. He further submitted that the applicant is in custody since 29.07.2018, charge-sheet has been filed and the charged were framed against the applicant, the trial is pending and the trial will take some more time, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, the nature of offence and further considering the fact that the applicant is in custody since 29.07.2018, charge-sheet has not been filed yet, trial will take some more time and the matter is triable by Judicial Magistrate First Class, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-  
**(Rajani Dubey)**  
Judge