

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1153 of 2018**

Aman Garg S/o Jaibhagwan Agrawal Aged About 25 Years R/o - Main Road Sakti, Thana And Tashil Sakti, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - Sakti, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1214 Of 2018**

Jaiprakash Agrawal S/o Babulal Agrawal Aged About 50 Years Caste-Agrawal R/o Ward No. 11 Bansal Apartment Village - Sakti, P.S. And Tahsil Sakti, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through District Magistrate District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri V.C. Ottalwar, Senior Advocate with Shri Sanjay Agrawal, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.452 of 2018

registered at Police Station – Sakti, District Janjgir-Champa, for the offence punishable under Section 509(B) of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants according to the complaint made and also according to the message contents of the said face-book ID regarding which the complaint has been made by the complainant. The applicants themselves co-operated with the investigation by producing themselves before the police officer and presenting their mobile phones for seizure and investigation. Hence, under these circumstances, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

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

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

5. The complainant/ victim has lodged FIR stating that a fake ID of face-book and WhatsApp was created by some unknown persons which is being used for sending and uploading obscene messages in the social networking website. During investigation, the mobile phones of both the applicants were seized and after examination of the said mobile phones by Cyber Cell it was found that one was used to create ID in face-book and the other one was used to operate the same.

6. After perusing the contents of the messages that are present in the case-diary, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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