

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 950 of 2017**

- Ramkumar Chauhan S/o Shri Jaldheer Chauhan, aged about 42 years, Cast-Cheek, R/o Farshabahar, Police Station & Tahsil Farshabahar, Civil & Revenue District Jashpur (C.G.)

---- Applicants

**Versus**

- State of Chhattisgarh: Through-Station House Officer, Police Station : Farshabahar, District Jashpur (C.G.).

---- Non-applicant

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For Applicant : Mr. Arun K. Shukla, Advocate.  
For the State : Mr. Wasim Miyan, P. L.  
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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**01/02/2018**

1. Heard.
2. Applicant is apprehending arrest in connection with Complaint Case No.60/2017 registered for offence punishable under Section 66 (e) & 67 (A) of Information and Technology Act in the Court of Additional District & Sessions Judge, Kunkuri, Distt.- Jashpur (C.G.) the applicant has filed this application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Complainants namely -Aashvati Bhagat & Shanti Ram Bhagat came into the house of the applicant to quarrel with him. Applicant, for his own safety, has prepared a video clipping and submitted the same video clipping to the police-station. Applicant himself has not delivered the same in whatsapp etc. hence no offence

is made out against the applicant under the provisions of IT Act.

Hence, it is prayed that applicant be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application and submit that the witnesses in this case have stated that it was the applicant, who provided those video clipping, which were circulated by the witnesses in whatsapp group thereafter. Hence, no case is made out for grant of Anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The allegation against this applicant is that during the quarrel of the complainant with the applicant, the applicant prepared a video clipping from his mobile phone and delivered the same in the social networking group i.e. whatsapp. Further, considering the fact that for offence under Section 66 of the IT Act, the prescribed punishment is 3 years whereas for the offence under Section 67 of the IT Act, the prescribed punishment is 5 years. As provided under Section 77-B of the IT Act, where the prescribed punishment for offence is 3 years, that offence is bailable in nature.
7. Taking into consideration all the material available on record. It appears that there is one counter case also present against the complainant on the basis of the FIR lodged by the applicant. I am of the considered view that the applicant should be benefited for grant of anticipatory bail.
8. 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial

Court. 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 him by the said Court till disposal of the trial.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge