

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8109 of 2017

- Paul Mosis Masih, aged about 21 years, son of Shri S. R. Masih, R/o Church Compound No. 1, Civil Line Etawa (U. P.).

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Telibandha, Raipur (Chhattisgarh).

---- Respondent

For Applicant :Mr. Keshav Prasad Gupta, Advocate.

For Respondent/State :Ms. Smita Ghai, Penal Lawyer.

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

12/03/2018

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No. 467/2017 registered at Police Station- Telibandha, District – Raipur (Chhattisgarh) for the offence punishable under Sections 509 (B) of Indian Penal Code & 66(c), 67, 67 (A) of Information Technology Act, 2000.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as no case is made out against him on the basis of the material available in the charge sheet. It is submitted that the applicant is in detention since 11.11.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to

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

4. Learned State counsel opposes the bail application and submits that the since applicant has defamed and insulted the victim, therefore, he is not entitled for the grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the case of the prosecution, applicant and the complainant/victim became face-book friends, and after exchange of their Facebook account Ids' & Passwords, applicant proposed to the complainant for marriage, which was refused by the complainant. Subsequently, applicant misused the facebook Ids' of the victim and changed the password and posted obscene and objectionable photos of the complainant in her facebook profile. Thereafter, the applicant continued to threat her, that he will further defame her and because of which this FIR has been lodged.
7. Considering the material present in the case diary, and out of the total offences registered against the applicant, only the offence under Section 67-A of IT Act is non bailable offence, *whereas* other offences are bailable offence and that there is no substantial progress in the trial, hence, I am of this opinion that applicant should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Amita