

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 107 of 2019

- Rupesh Kumar Agrawal S/o Shri Krishna Prasad Agrawal Aged About 24 Years R/o Ambedkar Nagar, Charcha Colliery, Police Station Charcha, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Charcha, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For Applicant : Shri Pawan Shrivastava, Advocate.
For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 131/2018, registered at Police Station – Charcha, District - Koriya, (C.G.) for the offence punishable under Sections 354 (A), 354(B), 506, 509(B) of IPC read with Section 67 of I.T. Act and Section 3(1)(w)(ii) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, prosecutrix lodged a written complaint wherein it has been alleged that on 25.09.2018, an unknown person sent indecent/vulgar messages and porn video clips of her in her mobile via whatsapp. It was further alleged that the said unknown person also threatened her for life. On being asked, he disclosed the name and address of one Pradeep Nahar. On the basis of the said report, enquiry has been conducted by the police. Later on, it was found that the said indecent/vulgar messages and porn video clips were sent to the Complainant by the present Applicant and upon being asked, he disclosed the name of Pradeep Nahar due to some previous enmity. On the basis of the said, offence has been registered

against the present Applicant and he has been taken into custody on 18.12.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case on suspicion. He further states that the material collected by the prosecution, *prima facie*, no offence under Section 354 (B) of the IPC and Section 3(1)(w)(ii) of SC/ST (Prevention of Atrocities) Act is made out against the present Applicant. He further submits that the Applicant is a handicapped person having 40% disability. The Applicant has no previous antecedents, he is in custody since 18.12.2018 and trial will take time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no previous criminal antecedents, he is in custody since 18.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge