

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 445 of 2019

- Khagesh Rai S/o Late Hulasrai Aged About 18 Years Caste Satnami R/o Village Kurda, P. S. And Tahsil Malkharouda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Ishwar Jaiswal, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 310/2018 registered at Police Station – Malkharouda District – Janjgir-Champa (C.G.) for the offence punishable under Sections 509(B), 506 of the Indian Penal Code and Section 12, 14 of the Protection of Children from Sexual Offences Act, 2012 and Section 66, 67 of IT Act.
3. Case of the prosecution, in brief is that prosecutrix is about 15 years of age. She is resident of village Kurda. Prosecutrix had taken her intimate photographs through mobile and kept it in her mobile. On 22/12/2018, applicant had taken her mobile. Next day he told her that if she will not love with him then he will viral the said photographs. Thereafter, he viral the said photographs on Whatsapp.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE