

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2778 of 2019**

Yogesh Kothari, S/o Shri Jagdish Kothari, aged about 23 years, R/o Village Birgaon, Raipur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Berla, District Bemetara (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.05.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.116/2019 registered in Police Station Berla, District Bemetara for the offence punishable under Section 509B of Indian Penal Code and Section 67 of Information Technology Act.
3. Prosecution story in brief is that the applicant is working as Constable in Chhattisgarh Armed Force. The prosecutrix is a wife of Roshan Sahu. Applicant had posted some objectionable substance regarding the prosecutrix on whatsapp and facebook.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-