

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 938 of 2019

- Gokul Jaiswal, S/o Mehattar Jaiswal, Aged About 49 Years, Occupation- Siksha Karmi, Varg-2, Government Primary School, Jewadankala, R/o Ramnagar, Kawardha, Thana And Tahsil- Kawardha, District- Kabirdham, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District- Magistrate, Kabirdham, District- Kabirdham, Chhattisgarh.
2. Ku. Durga Arora, D/o Khemchand Arora, Aged About 26 Years, Occupation- Nagar Sainik, Homeguard, R/o Ramnagar, Thana & Tahsil- Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava with Mr. Sanjay Patel,
Advocates.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

For Objector : Mr. Dharmesh Srivastava, Advocate.

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

08/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.250/2019 registered at Police Station- Kawardha, Distt-Kabirdham, Chhattisgarh for the offence punishable under Sections 354, 509, 509-B of IPC & 67 of IT Act(as per FIR).
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out for commission of offence under Section 509-B of IPC whereas the offence under Section 509 of IPC is bailable, hence, it is prayed that

he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect.
4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the applicant has posted the photographs of the objector in the social networking website 'Instagram' with an objectionable caption and logo which amounts to an offence under Section 509B of IPC, therefore, application be rejected.
5. Heard both the parties and perused the case diary.
6. The complainant has earlier filed complaint to the police. Because of the inaction of the police another application under Section 156(3) of CrPC was filed before the Court of CJM, Kabirdham. By the orders of the Court concerned, FIR has been lodged against the applicant and the allegation is mainly only to this extent, that the applicant has posted the photographs of the complainant in Instagram under objectionable caption and logo. Hence, this case.
7. After considering all the facts and circumstances of this case, and also after considering the ingredients of Section 509B of IPC, I am of this view that this is a fit case where the applicant should be enlarged on 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 his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Investigating Officer. 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge