

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5360 of 2019

Vinod Kumar Gyakvad, S/o. Shri Pardeep Gayakvad, Aged About 19 Years,
R/o. Mohabatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Bilha,
District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Soumitra Kesharwani, Advocate
For Respondent/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/09/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.184/2019, registered at Police Station – Bilha, District – Bilaspur (C.G.) for the offence punishable under Section 354, 354 (a) (1), (iii), (iv), 354 (b), 294, 506, 341 of the Indian Penal Code and Section 66 (E) of the I.T. Act and Section 8 & 12 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16.07.2019. The applicant has not committed any offence. According to the FIR lodged and the statement of the victim there are

allegation against co-accused persons. Therefore, this applicant is innocent, hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence of seizure of mobile phone from this applicant, which was used for making obscene video of the victim and make it viral in the social media, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the victim was caught hold of by he applicant and the co-accused persons and taken to a lonely place, where her modesty was outraged, she was disrobed and video was prepared on mobile phone. It is alleged that this applicant made obscene video and make it viral.
6. Considered on the submissions made and the contents of the case diary. After considering the statement of the victim and other witnesses, it is found that the role of the applicant is to that extent that he make a video viral, which is an offence under Section 66 (E) of the I.T. Act and it is bailable, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram