

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6287 of 2019**

- Vijay Upadhyay @ Ravindra Kumar Upadhyay S/o Shri Shyam Bihari Upadhyay Aged About 26 Years, Occupation Service In Adani, R/o Village Manpur, Post Laxmangarh, Police Station Udaypur, District Sarguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Udaypur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amit Singh, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 63/2019 registered at Police Station Udaypur, District-Sarguja (C.G.) for the offence punishable under Sections 354(A), 506, 509 509-B/34 of the IPC and 67, 67 of IT Act.
2. The prosecution story, in brief is that, the complainant lodged a written report that approximate 4 months prior friendship had been made on face-book by the co-accused Harsh Khan, then he demanded Whatsapp number and after that conversation has been started. After sometimes he was requested for victim's objectionable photos, she sent some photos, and after sometime he requested for full nude photo, when she denied providing the photo he threatened her to viral in Whatsapp and on 21.06.2019 he made viral the obscene photo. The present applicant called to victim and gave promise to delete the obscene viral photo and

called her to meet but the victim denied and not met with the applicant, thereafter, applicant sent the obscene photo in mobile numbers. 8839985973 and 8358078086 and threatened that Harsh Khan kept your obscene photo and he will do the viral. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the present applicant is not a main accused. The applicant is in jail since 08.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the present applicant is not a main accused person and the applicant is in jail since 08.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**