

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9329 of 2018

1. Janak Singh S/o Nikhad Kaushik Aged About 30 Years R/o Village- Parsoda, Police Station And District- Balod, Chhattisgarh., District : Balod, Chhattisgarh
2. Nagendra Kumar Sinha S/o Vishmambhar Sinha Aged About 21 Years R/o Village- Parsoda, Police Station And District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Balod, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicants : Mr. Faiz Kazi, Advocate.

For Non-applicant : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

04.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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. 267/2018 registered at Police Station – Balod, District- Balod, Chhattisgarh for the offence punishable under Sections 354, 509B, 506, 342/34 of the Indian Penal Code and Sections 7,8,11,12 of the Protection of Children from Sexual Offences Act, 2012 and 67(b) of the IT Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 16

years old. She is resident of village Parsoda. On April, 2018 accused Kundan Patel had taken obscene snaps of the prosecutrix and had given her threatening to kill. Applicant No. 2 Nagendra Kumar Sinha has forwarded the obscene photographs of prosecutrix to applicant No. 1 Janak Singh. Applicant No. 1 Janak Singh had uploaded the same in Whatsapp.

4. Learned counsel for the applicant submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they 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 applicants.
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 each 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