

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1019 of 2020**

- Vinay Jaiswal @ Lado S/o Ram Bachhan Jaiswal Aged About 30 Years Resident Madhubanpara Bhanu Pratap Colony, Raigarh, Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashish Gupta, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate
For Objector	:	Shri Hari Agrawal, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/03/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.1007/19 registered at Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.) for alleged commission of offences under Section 509 (B), 384, 201 of IPC and Section 67 of Information Technology Act.
2. Case of the prosecution is that the applicant made viral photographs of the complainant which were obscene in nature. According to the prosecution, this was done by the applicant towards extortion.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The mobile cell, through which, it is said to be made viral, has not been seized from the possession of the applicant. He would further submit that the offences alleged against the applicant are not punishable with life imprisonment or for a period more than seven years and maximum sentence punishable under Section 384 IPC is three years.

4. On the other hand, learned State counsel submits that a *prima facie* case is made out because the photographs which have been made viral in public domain are posted from a mobile set having sim registered in the name of the applicant.

5. Though various objections have been raised by the objector, such objections cannot be taken into consideration at this stage. The objections are on similar lines as stated by the State counsel.

6. Having considered the submission of learned counsel for the parties, particularly, taking into consideration that investigation is complete, charge sheet has been filed and applicant is in jail since 26/11/2019 and also taking into consideration the maximum punishment which could be imposed on the applicant for alleged commission of offence, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

This bail is being granted on a specific condition that if, in future, there is any report lodged in the police station that the applicant is indulged in alleged activities similar to that in respect of which offences alleged in the present case, it would be open for the prosecution or the complainant to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge