

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1090 of 2020**

- Himanshu Sahu S/o Ashok Kumar Sahu Aged About 19 Years R/o Bahtarai, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Ms. Sunita Sahu, Advocate.
For Respondent/State : Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/03/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 135/2019 registered at Police Station - Hirri, District - Bilaspur (C.G.) for the offence punishable under Sections 354(ख), 354(ग), 506, 509 and 509(ख) of the IPC.
2. The first bail application of the applicant was dismissed as the applicant does not want to press this bail application by this Court on 20.01.2020 in MCRC No. 267/2020.
3. The prosecution story, in brief is that, on 02.08.2019 complainant Sharavni Sahu lodged a report that during the college study time in Bilha he used to talk with accused/applicant Himanshu Sahu, and thereafter applicant promised her to marriage, took some objectionable photographs. These Photographs were sent to the mobile of co-accused Vikash Kaushik. Now, co-accused Vikash Kaushik is threatening the complainant that if she does not talk to him he would viral the objectionable photographs. Based on this,

offence has been registered against the present applicant and another co-accused.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that charge-sheet has been filed and co-accused has already been granted bail in MCRCA No. 1654/2019, so the present applicant may also be granted benefit of bail. She next submits that the applicant is in jail since 11.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 another co-accused has already been granted bail and the applicant is in jail since 11.12.2019 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.
8. 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**