

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1087 of 2020**

- Sushrut Das S/o Shri Harkishore Das Aged About 32 Years R/o Village- In Front Of Samlai Mandir, Naya Ganj, Raigarh, District : Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station- New Rajendra Nagar, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Kishore Bhaduri, Advocate.
For State	:	Mr. Ravish Verma, G.A.
For Objector	:	Mr. Ratnesh Kumar Agrawal, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.240/2019 registered at Police Station- New Rajendra Nagar Raipur District-Raipur, (C.G.) for the alleged commission of offence under Section 509-B of IPC.
2. Prosecution case is that the applicant is indulged in harassment of his wife by tendering objectionable and obscene material by use of electronic mode. It is alleged that applicant was having dispute with his wife and to harass and malign her, he has sent various objectionable photographs through mobile to other persons.
3. Learned counsel for the applicant would submit that the allegations against the applicant are false and motivated. He would argue that the applicant had certain disputes with his wife and when his wife filed FIR alleging cruelty, offence under Section 498-A of IPC was registered and in that case, the applicant was granted bail. Later on, the wife made allegations of commission of offence under Section 509 of IPC and in that case also, applicant was granted bail. An application for cancellation of bail was moved and that was

rejected. Later on, the applicant and his wife compromised. The applicant has already moved an application for grant of decree of divorce. Now, at this stage, on the same set of allegations, sister of the wife is making allegation of commission of offence under Section 509-B of IPC saying that the applicant is harassing his wife by using electronic mode. He would argue that the applicant was in jail from 17.12.2019 until he was granted bail vide order dated 28.03.2020. He is on parole in view of the order passed by the Hon'ble Supreme Court and the High Court considering that the applicant is accused of committing offence which is punishable with maximum sentence of two years. It is submitted that till date, the prosecution could not file any charge sheet which shows that there is no material for filing charge sheet against the applicant.

4. On the other hand, learned counsel for the State and Objector argue that *prima facie*, a case is made out against the applicant because the applicant has sent various objectionable photographs and obscene material on mobile to various persons. It is submitted that the applicant is habitual of conduct. He has indulged in harassing his wife in most obscene manner and looking to this situation, the grant of bail may not be justified even if he is on parole under orders passed by the Supreme Court and the High Court in view of the pandemic situation. Learned counsel for the Objector submits that the compromise has not materialised and no compromise has taken place.
5. Having heard learned counsel for the parties and considering the material reflecting from the case diary, nature of allegation and further taking into consideration the background of the dispute and that the applicant had earlier been granted bail against the allegation of commission of offence under Section 509 of IPC and further that the maximum punishment which could be awarded for the offence is two years and applicant had already remained in jail from 17.12.2019 to 28.03.2020 and that due to pandemic situation, he is already on parole in view of direction of the Supreme Court and this Court, therefore, in these circumstances, I am inclined to grant bail to the applicant.
6. Accordingly, the bail 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 of 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 in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi