

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1743 of 2020**

- Manmohan Gopal S/o Vanshugopal Aged About 64 Years R/o Wz 294/9, G Block, Harinagar, Jail Road, New Delhi. Present Address Flat No. 3092, Tower No. 3, Parker Residency, Sector - 61 G.T., Karnal Road, Kundli, District : Sonipat, Haryana.

---- Applicant

Versus

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

---- Respondent

For Applicant.	:	Mr. Pawan Kesharwani, Advocate.
For Respondent/State	:	Mr. H.S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.05.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 675/2016 registered at Police Station : Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 66(C), 67(A) of I.T. Act and Sections 354(D), 120-B, R/w Section 34 of IPC.
2. The prosecution story in brief is that husband of the complainant- Shilpi Shrivastava posted some objectionable & filthy articles on WhatsApp through his mobile number to her friend for committing assassination her character. The allegation against the present applicant, who is the father-in-law of complainant, is that, mail ID of complainant- Shilpi

Shrivastava has been hacked and the same has been used for sending obscene, objectionable and defamatory messages. Similarly, WhatsApp social media also used by the applicant for sending such obscene and degrading messages so as to defame the complainant. On the basis of the complaint, Police Station Sarkanda registered an FIR against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question because he was not involved in any such incident which was alleged in the FIR. He further submits that it is a matrimonial dispute going on between Varun Gopal and his wife/complainant-Shilpi Srivastava wherein no involvement of the applicant is reflected in this case, only with a view to harass the entire family, the name of the applicant has been included and a concocted story has been made against the applicant. Applicant is in jail since 05.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application submitting that the mail ID of the applicant was used by which the social networking, chat of the complainant was hacked and obscene/objectionable/defamatory messages were sent to the same.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the

offence, facts and circumstances of the case and further considering that the offence is triable by Judicial Magistrate First Class, as the applicant is in jail since 05.12.2019 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.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 10,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.
9. Certified copy, as per rule.

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