

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3503 of 2020**

- Abhinay Upadhyay @ Abhilas, S/o Shri Salik Ram Upadhyay (Wrongly mentioned as Late Shaligram Upadhyay), Aged about 28 years, R/o Near Puja Medical, Rawanbhantha, Supela Bhilai, Tahsil & District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – District Magistrate, In charge Outpost Vaishalinagar, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.06.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 66/2020 registered at Police Station – Vaishali Nagar, District Durg (C.G.) for the offence punishable under Section 509(B) of IPC and Section 67 of the IT Act.
- According to the prosecution story, the applicant and the complainant were friends and applicant taken her nude pictures and when the relation was not good the applicant threatened to the complainant that if she does not fulfill the demand of money he will vial the nude pictures, therefore, she lodged the above case against the applicant.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case, he further submits that this case of consent and the prosecutrix went with present applicant with her own will and there is no specific allegations for demand of money against the

present applicant. He next contended that the applicant is in jail since 10.05.2020, therefore he may be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.
- 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Sd/-
(Rajani Dubey)
Judge