

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6330 of 2020

- Jai Prakash Gabhel, S/o Set Ram Babhel, Age 41 years, R/o Village Post Purena, Tehsil Kharsiya, District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Mujgahan, District Raipur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Vaibhav Shukla & Shri Prabhat Kumar Saxena, Advocates
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

04.12.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 26.08.2020 in connection with Crime No. 142/2020 registered in Police Station – Mujgahan, District Raipur (CG) for the offence punishable under Sections 505 (1) (b), 507 & 295A of IPC and Sections 66 (c) & 67 of IT Act.
2. Allegation against the applicant is that he posted certain objectionable pictures of Asang Dev Sahab from his facebook account as also from some other fake accounts with intent to humiliate the complainant and also made the said pictures viral and threatened the complainant to kill.
3. Learned counsel for the applicant submit that the applicant is an innocent person and has been falsely implicated in the crime in question. They submit that the applicant is in jail since 26.08.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the fact that the applicant is in jail since 26.08.2020, charge-sheet has been filed, the offence is triable by Magistrate and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (iv) He shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge