

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6990 of 2020

1. Devnarayan S/o Bisundayal, Aged About 28 Years, Resident of Village Dharamjaigarh, Jailpara, Police Station and Tahsil Dharamjaigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Naresh Yadav S/o Virodhit Yadav, Aged About 18 Years, Resident of Village Amapali, Police Station and Tahsil Dharamjaigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicants – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 10-09-2020 in connection with Crime No.135/2020 registered at Police Station - Sitapur, District Surguja, Chhattisgarh for the offence under Section 354-A, 509, 34 of the IPC and Section 67 of Information Technology (Amendment) Act, 2000.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The applicants have no connection with the circulation of the objectionable message. They are in jail since 10-09-2020 and there is no further requirement of their detention for the purpose of investigation. Therefore, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant No.1 is ex-husband of the victim of the case who had deliberately posted photograph of the victim with obscene and

sexually explicit message in Whatsapp group, therefore, it is a serious matter. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the case, It is alleged that applicant No.1 because of previous dispute with his wife, the victim, posted photograph of the victim along with sexually explicit message which was circulated in the Whatsapp group in which the brother of the victim is also a member, who then lodged the FIR. The allegation against applicant No.2 is this, that his mobile number is also used in commission of this offence.

6. After considering on the submissions and the facts of the case and also for the reason that there appears to be no further requirement of keeping the applicants in continuous detention, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge