

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7494 of 2020

Mukesh Mishra @ Sonu, S/o Devnarayan Mishra, Aged About 23 Years, Occupation- Student, R/o Village Sarwa, Police Station Kasdol, District- Baloda Bazar-Bhatapara (C.G.)

--- Applicant

Versus

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

--- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 08/2020, registered at Police Station- Kotwali, Ambikapur District- Surguja (C.G.) for the offence punishable under Section 509 (B) of IPC, Section 11/12 of the Protection of Children from Sexual Offences Act, 2012 and Section 66 (C) & 66 (D) of Information Technology Act, 2005.
2. Learned counsel for the applicant submits that the applicant is in jail since 08.10.2020 and has been falsely implicated in this case. No case is made out against this applicant. He has not committed any offence as registered against him. Most of the offences registered against him, is bailable in nature. Hence, it is

prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the offence registered under Section 67 of the I.T. Act is clearly made out against this applicant, which is punishable upto 5 years of imprisonment for the first offence along with fine of Rs. 1 lac., therefore, the allegation against this applicant is serious in nature and he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant made a fake profile on Instragram in the name of other persons and then, he published some photographs of minor victims, making derogatory comments on their character, regarding which, FIR has been lodged and the case has been investigated.
6. Considered on the submissions and the facts present in this case. As the investigation has now almost completed and the applicant has undergone the detention for about 3 months therefore, there is no necessity of continued detention of the applicant. For these reasons, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his

furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun