

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7987 of 2019**

- Pramod Kumar Dehury, S/o Bishambar Dehury, Aged About 54 Years, R/o Nuasahi, Jail Raod, Keonjhar, Odissa.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Pandri, Raipur District- Raipur Chhattisgarh.

---- Respondent

With**MCRC No. 313 of 2020**

- Vipin Kumar Panda, S/o Mr. Dijraj Panda, Aged About 37 Years, R/o Rakha Copper Colony, SBI - 9, District- Purvi Singh Bhumi (Jh) Police Station- Jadugoda, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station- Pandari, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Dr. N. K. Shukla, Senior Advocate along with Mr. Arjit Tiwari, Adv.
For Respondent/State	: Mr. Wasim Miyan, P.L.
For Objector	: Ms. Mahi Batra, Objector in person.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.01.2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved their first bail applications filed under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 197/2019

registered at Police Station- Station House Officer, P.S.-Pandari, District- Raipur, (C.G.) for the offence in respect of applicant named Pramod Kumar Dehury punishable under Sections 509B Indian Penal Code and Section 67A of the Information Technology Act and offence in respect of applicant named Vipin Kumar Panda punishable under Sections 509-B, 201, 34 of of I.P.C. & 67 of the Information Technology Act.

3. The prosecution story, in brief is that, some obscene photos have been sent to the mobile number of the complainant by applicant/accused namely Pramod Kumar Dehury using the SIM of applicant/ accused namely Vipin Kumar Panda. Thereafter, offence has been registered against the present applicants and they have been arrested.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicant named Pramod Kumar Dehury is in jail since 04.11.2019 and the applicant named Vipin Kumar Panda is in jail since 28.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. Objector/ complainant is also present in person today and made her objection regarding grant of bail to the applicants. Complainant/objector had also filed written objection.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the detention period of the applicants as 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 applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and

every date given to them by the said Court and the applicant is directed not to communicate/contact in any manner with the prosecutrix, her family members and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

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