

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8445 of 2019**

Rajiv Sharma, S/o Rakesh Sharma, aged about 37 years, R/o Subhash Ward,
Bhatapara, P.S. Bhatapara Town, Distt. Baloda Bazar – Bhatapara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the Police Station Bhatapara Town, Distt. Baloda
Bazar – Bhatapara (C.G.)

----Respondent

For Applicant : Mr. Shashi Bhushan, Advocate appears on behalf of Shri
Abhijeet Mishra, Advocate.
For Non-applicant/State : Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****07/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 492/2019 registered at police Station Bhatapara Town for the offence punishable under Sections 509-B of the Indian Penal Code, Section 67 of the Information Technology Act, 2000 and Section Section 3(1)(b)(ii), 3(3)(m) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) Case of the prosecution, in nutshell, is that the complainant has lodged the report with the allegation that she belongs to scheduled caste community, in the year 2014 when she was studying at Govt. Gajanand Agrawal College, Bhatapara, the applicant saw her alongwith her friend Abhay Kesharwani and thereafter pressurized her to send her nude pictures and videos, which she send to him. In the year 2019, on or around Deepawali festival, the said nude pictures and videos have become viral in what's-app group in mobile phones. It is also alleged that the wife of the applicant has threatened complainant with the

allegation that she is having illicit relation with the applicant and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that applicant has been falsely implicated in the crime in question as the applicant has never circulated any obscene material of complainant or any other material relating to her in the mobile phone. He further submits that the applicant is in detention since 11.12.2019 and the offences are triable by Judicial Magistrate, First Class and the trial is likely to take some for its final disposal and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; further considering the nature and gravity of the offence and the facts that applicant is languishing in jail since 11.12.2019; trial is likely to take some time for its final disposal and no custodial interrogation is required; this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge

