

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 176 of 2021

- Om Prakash Varde son of Rendu Ram Varde, aged about 40 years, Resident of Village- Rivagahan, Tahsil-Patan, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Ranitarai (wrongly mentioned as Ranchirai), District Durg (C.G.)

---- State/Non-applicant

For Applicant : Shri Kamlesh Kumar Pandey, Advocate
For Non-Applicant/State : Shri Sameer Uraon, Government Advocate
For Complainant/Objector : Shri Ganesh Verma, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

02.03.2021

1. Counsel for the applicant has filed an application (I.A. No. 01/2021) for correction in the bail application. In this application, it has been stated that while filing the instant bail application, the Crime No. 174/2020 has been mentioned because it was mentioned in the bail rejection order, but the actual Crime No. is 171/2020. A copy of final report showing the actual crime number is enclosed alongwith this application. In this view of the matter, the aforesaid correction may be permitted in the bail application.
2. On due consideration, I.A. No. 01/2021 is allowed and counsel for the applicant is permitted to correct the crime number in the bail application in the Court itself.
3. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 18.12.2020 in connection with Crime No. 171/2020 registered in Police Station- Ranitarai, District Durg for the offence punishable under Sections 506 (B) & 509 of IPC and Section 67 of Information Technology Act.
4. Allegation against the present applicant is that he alongwith co-accused

Pikesh Kumar Kosariya was sending obscene messages to the prosecutrix for the last 3-4 months and also they made her photo viral in Whatsapp status and tik-tok by commenting obscene words, with intention to defame her.

5. Prosecutrix appeared before this Court in person alongwith her counsel and she has objection to grant of bail to the applicant by this Court.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the only allegation against the present applicant is that he provided shelter to the co-accused and also told the prosecutrix that she had physical relation with co-accused. He also submits that the applicant never sent any messages to the prosecutrix, nor uploaded the obscene photographs of the prosecutrix in Whatsapp. He further submits that the applicant is languishing in jail since 18.12.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the bail application.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, previously the prosecutrix had made a complainant dated 10.09.2020 against co-accused Pikesh Kumar Kosariya to the S.H.O. Ranitari in which she has not stated against the present applicant, nature of allegation made against the applicant, his detention period, charge-sheet has already been filed, conclusion of the trial is likely to take some time, the applicant has no criminal antecedent as admitted by both the counsel and that there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
9. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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.

10. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

vatti