

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 849 of 2021

1. Raghvendra Dubey S/o Ayodhya Prasad Dubey, Aged About 28 Years, Occupation Driver In The Electricity Department As Contract Basis, R/o. Village Katkalo, Police Station And Tahsil Darima, District Surguja (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Sadar, District Surguja (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rahul Agrawal with Ms. Soni Mishra, Advocates.
For Non-Applicant/State	: Mr. Sameer Uraon, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 09/01/2021 in connection with Crime No. 478/2020 registered at Police Station Kotwali, Ambikapur, District Surguja (C.G.) for the offence under Sections 417, 419 & 509(B) of IPC and Sections 66-C & 67 of Information Technology Act.
- 2) Case of the prosecution, in brief, is that the applicant fraudulently downloaded the photographs of Rajnish Singh (Sub Inspector), brother of the complainant Anish Singh, from his Facebook profile and made a forged profile in the name of Sarthak Mishra. Thereafter, the applicant projecting himself as Sub Inspector started chatting with the prosecutrix and thereafter sent her abusing messages. On report being lodged to the above effect by the complainant, the aforesaid offence has been registered against

the present applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 09/01/2021, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 28 years old, charge sheet has already been filed, offence is triable by Judicial Magistrate First Class and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- 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 Court.

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

Chandrakant