

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1449 of 2021

- Tulesh Sahu S/o Bholaram Sahu, Aged About 21 Years, R/o : village Belardona, Police Station and Tahsil -Komna, District -Nuvapada, Orissa

---- Applicant

Versus

- State of Chhattisgarh Through Police Station -Fingeshwar, District -Gariyaband, Chhattisgarh.

--- Respondent

For Applicant	: Mr. PK Patel and Mr. D. Kushwaha, Advocate.
For Respondent/State	: Mr. Shrikant Kaushik, PL.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

13/07/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.29/2021, registered at Police Station – Fingeshwar, District -Gariyaband, (C.G), for the offence punishable under Sections 509 B of Indian Penal Code & Section 67 (A) of Information Act, 2000.
2. Case of the prosecution is that applicant has developed friendship with complainant and taken some photographs with her. When complainant marriage was fixed with some other boy, present applicant has sent some obscene photographs to complainant on her Mobile Phone (6266375094) from his own Mobile Phone (7848035212). With intent to break her marriage, applicant has also forwarded obscene photographs to father of boy whose marriage was fixed with complainant. Thereafter, complaint was lodged and based upon which, instant crime was registered against

present applicant.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case, applicant is a young boy and he is in jail since 31.01.2021, he is not having any other criminal antecedents, charge sheet has been filed, offence is triable by Magistrate First Class, conclusion of trial may take some time, hence, he may be released on bail. As per his information provided by learned counsel for the applicant before trial Court, complainant got married.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that offence committed by applicant is serious in nature. He not only sent the obscene photographs to complainant but also sent it to, to be father-in-law of complainant with intent to break her marriage. Hence, he is not entitled for grant of bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations levelled against applicant, tender age of applicant, applicant was arrested on 31.01.2021, offence is triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the Court on the conditions that -
 - a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
 - b) Applicant shall appear before the Trial Court regularly on each and

every date, unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-