

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1894 of 2021**

- Ashok Kumar Kamde s/o. Meena Ram, aged about 34 years, resident of Sindhi Camp, Jabalpur, Tahsil and Police Station Jabalpur, Tahsil & Police Station Jabalpur, District Jabalpur (MP). ---- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Rajpur, District Balrampur – Ramanujganj (CG) ---- **Non-applicant**

For Applicant : Mr. S.A. Ansari, Advocate.

For State : Mr. B.P. Banjare, Deputy Govt. Adv.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****17-05-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 29-12-2020 in connection with Crime No.206 of 2020 registered at Police Station Rajpur, District Balarampur-Ramanujganj (CG) for the offence punishable under Section 354 of IPC and Section 67 of Information Technology Act, 2000.
2. The allegation against the present applicant is that he used to send obscene messages by his mobile No. 9098569815 to the mobile No. 6266258886 of the complainant/prosecutrix, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, neither he made any criminal force on the prosecutrix nor outraged her modesty and the offence is triable by the Magistrate. He would further submit that the applicant has not sent any obscene message in the mobile number of the prosecutrix and only on the basis of suspicion the applicant has been roped in this case, he is in jail since 29-12-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant, the fact that the offence is triable by the Magistrate, the applicant is in custody since 29--12-2020, till date trial is not completed due to ongoing pandemic Covid-19, and there is no likelihood of the applicant tampering with evidence or absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge

Raju