

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2286 of 2021

1. Aashish Sharma S/o Sukdev Sharma, Aged About 28 Years R/o Plot No. 246, Laxmi Nagar, Risali, Bhilai, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Durg (C.G.).

---- Non-Applicant

For Applicant	:	Ms. B.P. Singh, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 951/2021 was dismissed as withdrawn on 18/03/2019.
- 3) The applicant is arrested on 04/01/2021 in connection with Crime No. 04/2021 registered at Police Station Newai District Durg (C.G.) for the offence under Section 67(B) of Information Technology Act and Section 13/14 of POCSO Act.
- 4) Allegation against the present applicant is that he uploaded the obscene video of the children and nude photograph of a woman through his Facebook ID and thereby circulated the same in the social media.
- 5) 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 04/01/2021, charge sheet has been filed and trial is likely to take some time for its disposal due to Covid-19 Pandemic. Therefore, the applicant deserve to be released on bail.

- 6) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that applicant has no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the detention period of the applicant who is 28 years old, charge sheet has been filed 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 due to Covid-19 Pandemic, 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. 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
 - v. he shall not involve himself in any offence of similar nature in

future.

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