

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2668 of 2021

- Madan Kumar Kashyap, S/o Muraha Ram Kashyap, Aged About 22 Years, R/o Village Chhotealnar Seoni, District-Bastar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police-Station-Kondagaon, District-Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.83/2021 registered at Police-Station-Kondagaon, District-Kondagaon(C.G.) for the offence punishable under Sections 509(B), 354(A) of IPC, under Section 67 and 67(A) of Information and Technology Act and under Section11(2)(5), 12 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

19.03.2021. Charge-sheet has been filed. No offence has been committed by the as alleged against him.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. Looking to the diary statement of witnesses against this applicant, he is not entitled for grant of regular bail.
4. The victim had virtually appeared before this Court through the 'Help Desk' of DLSA, Kondagaon on 28.07.2021. She had stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that there had been a love affair between applicant and prosecutrix when she was minor. The applicant had taken some obscene photographs of the minor prosecutrix on his mobile phone. Subsequently, when the prosecutrix stopped meeting him, the applicant started threatening him to make her photographs viral in case she does not make refund of all the expenditures he has made on her and ultimately, he made the photographs viral in social media on mobile phone. Subsequent to which, the FIR has been lodged.
7. Considered on the submissions and the facts present in the case. The case is now pending for trial and there is likelihood of delay in conclusion of trial, I feel inclined to allow this bail application and release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha