

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2757 of 2021**

Uttam Kumar Sharma, S/o. Shambhu Sharma, aged about 22 years, R/o. Subhash Nagar, Ward No. 24, Harrakh, Begusaray, Sadar, Near SSB College, Police Station- Begusaray, District- Begusaray, Bihar.

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Newai, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent/State : Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/06/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.294/2020, registered at Police Station – Newai, District – Durg (C.G.) for the offence punishable under Section 506, 34 of the Indian Penal Code, Section 67 (B) of Information Technology Act and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegation made by the complainant side is totally false. The evidence against this applicant is based on assumption that he was the person, who provided the co-accused with photographs of the victim. Co-accused

person has been granted bail by this Court by order dated 05.03.2021 in M.Cr.C. No. 9059 of 2020. Charge-sheet in this case has been filed. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant happens to be the main accused, who befriended the minor victim and procured her objectionable photographs, who were then used by co-accused person, therefore, this applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant made friendship with the minor victim aged about 14 years on the facebook platform. On the request made by this applicant, the minor prosecutrix provided him some photographs of her own, which were obscene in nature. It is alleged that the photographs obtained by this applicant were transferred to the co-accused Gopal Kumar, who then made use of the same for threatening the parents of the minor victim.
6. Considered on the submissions. For the reason that the co-accused has been granted bail by this Court and also that charge-sheet in this case has been filed and the case is now pending for trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram