

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4727 of 2021**

Swapnil Mandal S/o Swapan Mandal Aged About 23 Years R/o Near Sai Aata Chakki, Santoshi Nagar, Police Station- Khamtarai, Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Khamtarai, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Abhishek Vinod Deshmukh, Advocate.
For the Respondent/State	:	Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.07.2021**

Heard.

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.375 of 2021, registered at Police Station – Khamtarai, District – Raipur, Chhattisgarh for the offence punishable under Sections 67, 67-B of the Information Technology Act, 2000 and Section 14 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 25.6.2021 and has been falsely implicated in this case. The offence under Section 14 of the Protection of Children from Sexual Offences Act, 2012 is not clearly made out against this applicant as he has never engaged

in any phonographic activity. Further, there is no complaint on behalf of any minor in this case making allegation against this applicant, therefore, it is prayed that the applicant be enlarged 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 the case is still under investigation and the impugned order mentions about the details on the basis of which, the offence has been registered against this applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant uploaded a post in the instagram social-media showing a photograph of a child aged about two months, in an obscene manner with indecent comment and use of obscene words. Hence, this case.

6. Considered the submissions and the facts present in this case. Taking into consideration the statement of the applicant's counsel and also considering the fact that this applicant does not have any criminal antecedents, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge