

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****MCRC No. 5331 of 2021**

1. Gautam Kumar S/o Shri Sanjay Prasad Aged About 24 Years R/o Village Balwapara, Police Station Varisliganj, District Navada (Bihar).

**---- Applicant****Versus**

1. State of Chhattisgarh Through Police Station Sakri, District Bilaspur, Chhattisgarh.

**---- Respondent**

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For Applicant - Shri Sanjay Agrawal, Advocate.  
For Respondent/State - Shri Arjit Tiwari, Panel Lawyer.

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**Hon'ble Shri Prashant Kumar Mishra Ag. Chief Justice**  
**Order on Board****27-08-2021**

1. Heard.
2. The applicant has preferred the second bail application under Section 439 of the Cr.P.C., as he has been arrested in connection with Crime No.209/2020, registered at Police Station – Sakri, District – Bilaspur (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code and Sections 66 (C) and 66 (D) of the Information Technology.
3. The first bail application of the applicant was dismissed on merits in MCRC No.8309 of 2020 on 11-02-2021. This bail application was entertained for the reason that the applicant is in jail since 30-08-2020 and the complainant has moved an application for compounding the offence, though the same has been rejected for the reason that charges for committing offence under the Information Technology Act has also been framed and the said offence is non-compoundable.

4. Learned State counsel would oppose the prayer for grant of bail. He would submit that the applicant is a resident of Navada, Bihar.
5. Be that as it may, considering all relevant aspects of the matter including the complainant's act of compounding offence and for the fact that the applicant is in jail since 30-08-2020 i.e. for almost a year and also the offences are triable by Judicial Magistrate First Class, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for **a sum of Rs.50,000/- with one local surety** for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

**SD/-**

**(Prashant Kumar Mishra)**  
Acting Chief Justice

Amardeep