

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5473 of 2021

- Shyamu, S/o Shri Bhoyog, Aged About 29 Years, R/o Village-Garda, Patelpaar, Lohandiguda, District- Jagdalpur, Bastar, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Bodhghat, District- Jagdalpur, Bastar, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Ishan Verma, Advocate

For Non-Applicant/State : Smt. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07.12.2020 in connection with Crime No. 209/2020 registered at Police Station- Bodhghat, District- Jagdalpur, Bastar (C.G.) for the offence punishable under Sections 354 D & 509 (B) of IPC and Section 67 of IT Act.
- 2) Case of the prosecution, in brief, is that the complainant lodged a report at the police station to the effect that she received obscene videos through Whatsapp from an unknown mobile number and she also received call from the same mobile number where the caller used to talk filthily. During investigation the applicant alongwith co-accused persons were arrested.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that co-accused person namely Botiram has already been granted bail by this Court vide order dated 03.02.2021 in MCRC No.9472/2021, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant has been arrested on 07.12.2020 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, charge-sheet has already been filed, the detention period of the applicant, who is 29 years old, after six months from his arrest trial has not been concluded and the fact that co-accused has already been granted regular bail by this Court, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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 Government/State Government/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

Nadim