

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5899 of 2021

- Ishaan Singh, S/o Anil Singh, Aged About 22 Years, Caste- Rajput, R/o Village- Jogyara, Police Station- Jaale, District- Darbhanga, Bihar. **---- Applicant**

Versus

- The State of Chhattisgarh, Through- Police Station- Vishrampur, District- Surajpur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri A. K. Prasad, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22.09.2021

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 27.06.2021 in connection with Crime No. 94/2021 registered at Police Station- Vishrampur, District- Surajpur (C.G.) for the offence punishable under Sections 384, 509 (B) of IPC and Section 67 of I. T. Act (Cyber Crime Act).
- 2) Allegation against the applicant is that he made fake account of the victim in social media platform and gave threat to viral her obscene photos and videos and forced her to deposit the money for not doing the same. As a result of which victim deposited 12,600/- in the bank account of the applicant. On report being lodged to the above effect the aforesaid offence has been registered against the present applicant and during the course of investigation the applicant was arrested.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further

submits that the applicant and the victim were studying in Gwalior, between them there was love affair since 2018. It is further submitted that the victim/complainant is major girl, the applicant has not posted any photos & videos in social media. The deposited money was transferred by the victim for paying the rent as both were living in Gwalior on rent. There is delay in lodging of FIR. The has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 27.06.2021 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, photos and conversation between the applicant & victim as per annexure A/2, the detention period of the applicant, who is 22 years old, the fact that 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 counsel 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.2,00,000/- with two sureties of Rs. 1,00,000/- 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