

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6345 of 2021

1. Kishore Kumar Sahu S/o Shri Vichitra Kumar Sahu, Aged About 22 Years, R/o Village Pauwara, Tahsil And District Durg (C.G).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Newai, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

21/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/07/2021 in connection with Crime No. 138/2021 registered at Police Station Newai, District Durg (C.G.) for the offence punishable under Sections 294, 323 & 509(ख) of Indian Penal Code and Section 66(C), 67 of the I.T. Act.
- 2) As per the prosecution case, husband of the prosecutrix namely Bunt Sahu alongwith the present applicant created fake Facebook ID in the name of Sonu Sahu and Raj Sahu where they used the photo of the prosecutrix as their profile picture and through that Facebook ID sent obscene photos of the prosecutrix in the social media. When the prosecutrix objected to it, the accused persons abused her filthily and also beat her. On report being lodged to the above effect, the aforesaid offences has been registered against the accused persons.
- 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 has been arrested on 30/07/2021. He submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding, charge sheet has already been filed and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, she 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 fact that it is the husband of the prosecutrix i.e. Bunty Sahu who in connivance with present applicant created fake ID and uploaded the picture of the prosecutrix as profile picture in the fake Facebook ID, the detention period of the applicant who is 22 years old, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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 the 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,
 - 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 Govt./State Govt./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