

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6642 of 2021

- Shantu Datta, S/o Arvind Datta, Aged About 25 Years, R/o Village P.V. 105, Vikaspalli, Thana Bande, District- Uttar Baster Kanker, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Bande, District- U.B. Kanker, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Parag Kotecha, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28.09.2021

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 09.06.2021 in connection with Crime No. 34/2021 registered at Police Station- Bande, District- U.B. Kanker (C.G.) for the offence punishable under Sections 306, 509 (b) of IPC & Section 66 (E) & 66 (B) of I.T. Act.
- 2) As per prosecution case, the applicant made the obscene photo of the deceased viral through Whatsapp. When the deceased came to know about the viral photo she committed suicide by consuming pesticide. On report being lodged to the above effect the aforesaid offence has been registered against the present applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the necessary ingredients of abetment as described under Section 107 of IPC are missing. The said photo was not

made viral by the present applicant but it was done by one Haripad Vishwas who secretly transferred the said photo to his mobile phone from the phone of the applicant and showed the same to the villagers and in this way the said photo got viral and deceased committed suicide by consuming poison. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 09.06.2021 and 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.
- 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, statements under Section 161 CrPC of the parents of the deceased and other witnesses, gravity of offence, the other material collected by the police during investigation, memorandum statement of the applicant & seizure, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
- 6) Accordingly, the bail application is rejected.

Sd/-

(Gautam Chourdiya)
Judge

Nadim