

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6774 of 2021**

- Nishant Kumar Joshi, S/o Shri Yogesh Joshi, Aged about 38 years, R/o Mehta Bhawan Kota Colony, Police Station- Saraswati Nagar, Raipur, Tahsil & District Raipur (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station- Azad Chowk, Raipur, Tahsil & District Raipur (C.G.).

----Non-applicant

For Applicant
For State

Shri Harshwardhan Parganiha, Advocate.
Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 153/2021 registered at Police Station- Azad Chowk, Raipur, C.G. for the offence punishable under Sections 67 & 67-B of the I.T. Act.
2. As per the prosecution case, allegation against the present applicant is that he was posting the obscene videos of the children in the social media through his Facebook ID and thereby making the same viral.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He

further submits that the applicant in jail since 28.07.2021 and charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 38 years old, charge sheet has been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge