

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6796 of 2021

- Vinay Kumar Dewangan, S/o Kundan Lal Dewangan, Aged About 27 Years, R/o Village Rajakhujji, Tehsil Chhuria, Police Station Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- The Police Station Dongargaon, District-Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri S. S. Baghel, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01.10.2021

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 23.08.2021 in connection with Crime No. 216/2021, registered at Police Station- Dongargaon, District- Rajnandgaon (C.G.) for the offence punishable under Sections 292 of IPC & Section 67 B of Information Technology Act.
- 2) Allegation against the applicant is that on 09.03.2020 at about 12.10:35 hrs he posted obscene content related to child & women pornography in social media i.e. Instagram. On 27.05.2021 the Superintendent of Police Rajnandgaon received cyber tip line report 79585955 from Additional Superintendent of Police (Crime) Raipur, under the CCPWC (Cyber Crime Prevention Against Women and Children) Scheme, Ministry of Home Affairs, Government of India and during investigation the

applicant was arrested by the police.

- 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 by mistake shared a link containing pornographic content and when he realized his mistake immediately deleted the said post. The applicant was granted interim bail by the trial Court and he did not misuse the liberty granted to him. There is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 23.08.2021 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-Applciant/State opposes the bail application and submits that applicant has one criminal antecedent under Gambling Act.
- 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, the fact that applicant was granted interim bail by the trial Court and he did not misuse the liberty granted to him, the detention period of the applicant, who is 27 years old, there is no likelihood of the applicant tampering with the prosecution 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, 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