

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7027 of 2021

- Narayan Jatwar, S/o Aatmaram, Aged About 32 Years, R/o Village Senduras Police Station Sarsiwa, Tahsil- Bilaigarh, Civil and Revenue, District- Balodabazar Bhatapra, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Chowki Kharsia, Police Station Kharisa, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Shri Deepak Kumar Singh, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, P. L.
For Objector	:	Shri Krishna Kumar Dewangan, Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28.10.2021

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 01.09.2021 in connection with Crime No. 397/2021 registered at Police Station- Chowki Kharsia, Police Station Kharsia, District- Raigarh (C.G.) for the offence punishable under Sections 354 (C) of IPC & Section 67 (A) of IT Act.
- 2) Allegation against the applicant is that on 05.01.2021 applicant went to the house of in-laws of the prosecutrix as guest. The applicant secretly recorded obscene video of the prosecutrix when she was bathing behind her home. Thereafter, he threatened her to meet him otherwise he will make the said video viral. After refusal by her, he forced her to send naked picture of her through Whatsapp and out of fear, she used to send her

naked pictures to him and he used to save screenshots of all those photos. On 28.06.2021 prosecutrix's obscene video was made viral by the applicant through whatsapp and thereafter matter was reported in police station and 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 prosecutrix has no objection to release of the applicant on bail. 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 01.09.2021 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) Counsel for the complainant/prosecutrix has no objection to release of the applicant on bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicant, the no objection from the complainant/prosecutrix, the detention period of the applicant, who is 32 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) 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