

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7492 of 2021**

- Imran Hussain, son of Sabir Hussain, aged about 26 years, resident of Huddal Chowki, Madarsah Saklani Shahjanhapur, Tashil & District Shahjanhapur (UP), present halting Talapara, Bilaspur, Police Station Civil Line, District Bilaspur (CG)

---- **Applicant (In Jail)****Versus**

- State of Chhattisgarh, through Station House Officer, Police Station-Torwa, District Bilaspur (CG).

....**Non-applicant**

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Non-applicant	:	Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**30.11.2021**

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as applicant is in custody since 23.6.2021 in connection with Crime No.76/2021 registered at Police Station Torwa, District Bilaspur (CG) for commission of offence punishable under Sections 509(B), 506(B) & 384 of IPC.
2. Case of the prosecution, in brief, is that complainant and applicant came in contact through mobile phone and developed friendly relationship. Applicant sent some obscene messages in mobile phone of complainant. He also made viral obscene photographs of complainant and her daughters in social media platform. Applicant started extorting money from complainant to which in the year 2019 she transferred Rs.10,000/- from her bank account maintained in Bank of India, Torwa. Thereafter applicant came to Bilaspur twice and on each occasion, complainant gave money to him. Based on this report, FIR is registered against applicant and he was arrested on 23.6.2021.
3. Mr. Ravi Maheshwari, learned counsel for applicant would submit that applicant has been falsely implicated in crime in question. Complainant herself developed friendly relationship with applicant, which is also evident from contents of mobile

chats seized by police during the course of investigation. Applicant is in jail since 23.6.2021; charge sheet has been filed, offences are triable by Magistrate and conclusion of trial may take some time, hence applicant may be enlarged on regular bail.

4. On the other hand, Mr. Roshan Dubey, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that applicant has committed serious crime as he has not only extorted money from complainant but also made viral obscene photographs of complainant and her daughters in social media platform. Applicant also sent their photographs to their relatives. Hence, applicant is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; the fact that offences are triable by the Magistrate and applicant is in jail since 23.6.2021, without commenting anything on merits of case, I am inclined to grant regular bail to applicant.
7. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-