

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7637 of 2021**

Paras Vishwakarma, S/o- Late Shri Kailash Narayan Vishwakarma, aged about-32 years, R/o – Flat No.-301, Block No. -32, Sector-29, Atal Nagar Niwas, Police Station Rakhi, Naya Raipur, District Raipur (C.G.) Mobile No.-7974002104

---- Applicant**Versus**

The State of Chhattisgarh, through : Police Station – Rakhi, Naya Raipur, District – Raipur (C.G.)

----Non-applicant

For Applicant : Mr. D.K. Gwalre, Advocate.
For Non-applicant : Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****22-11-2021**

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 103/2021 registered at Police Station Rakhi, District Raipur (C.G.) for the commission of offence punishable under Sections 67 (A) & 67(B) of the Information Technology Act (henceforth “the IT Act”).
2. Case of the prosecution, in brief, is that based on information received from National Crime Records Bureau (NCRB) to the effect that holder of Mobile No. 9981596030 has uploaded a picture of child pornography in messenger app of Face Book, present crime was registered against the accused/applicant under Sections 67 (A) & 67(B) of the IT Act, as during investigation it was found that present applicant has uploaded the still picture of child pornography in the said messenger app of Face Book.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated the crime in question as he has not committed the aforesaid offences. He would

submit that the present crime was registered after one year of the uploading of alleged obscene picture. He would next submit that applicant is in detention since 20.9.2021; charge sheet has been filed and since the applicant is permanent resident of District Raipur, therefore, there is no change to influence the prosecution witnesses or absconding of the accused persons, therefore, the applicant is entitled to be released on bail.

4. On the other hand, counsel for the State vehemently opposes the bail application.

5. I have heard learned counsel appearing for the parties, perused the case diary as well as material available on record.

6. Considering the facts & circumstances of the case, particularly the fact that charge-sheet has already been filed; applicant is in detention since 20.9.2021; and as the applicant is permanent resident of District Raipur, therefore, there is no change to influence the prosecution witnesses or absconding of the accused persons; I feel inclined to grant bail to the applicant. Accordingly, the bail application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

