

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8262 of 2020**

Laxmikant Hans S/o Narhari Hans Aged About 20 Years R/o Village Kaitpadar, Police Station Sinapali, District Nowapada (Odisha).

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Devbhog District Gariyaband Chhattisgarh.

---- Respondent

For the Applicant : Mohd. Afroz Athar, Advocate.
For the Respondent/State : Shri B.P. Banjare, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.01.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.160 of 2020, registered at Police Station – Devbhog, District – Gariyaband, Chhattisgarh for the offence punishable under Sections 506 and 509(B) of the Indian Penal Code, Section 67B of the Income-Tax Act and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant and the prosecutrix both were acquainted to each other and had friendly relation. The applicant and the prosecutrix, whenever they used to meet, they used to take selfie photographs on their mobile phones, which is not at all objectionable in any

respect. Further, the statement of the prosecutrix under Section 164 of the Cr.P.C. is also in favour of this applicant. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of the prosecutrix under Section 161 of the Cr.P.C. the commission of offences as registered are clearly made out. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant was acquainted with the prosecutrix, who by putting her under threat used to call her and by posing for a kissing scene, he used to take selfie on his mobile phone. When the prosecutrix was again called by the applicant, she refused to come and meet, then he threatened her that he will make the photograph of kissing scene viral and also made the photograph viral in social media. Thereafter, the prosecutrix narrated the incident to her parents and then FIR has been lodged.

6. Considered the submissions and the facts of the case. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge