

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8754 of 2020**

Harsh Vaidya, S/o. Mahesh Kumar Vaidya, aged about 21 years, R/o. Station Para Ward No.12, Siddhqui Gali, Rajnandgaon District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station Sihawa, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/01/2021**

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.119/2020, registered at Police Station –Sihawa, District – Dhamtari (C.G.) for the offence punishable under Section 292, 354 (क), 354 (ग), 385, 509 (ख)/34 of the Indian Penal Code and Section 67, 67-ख of the I.T. Act and Section 12, 14 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 19.10.2020. Charge-sheet has been filed after completion of

investigation. There is no allegation against this applicant regarding outraging the modesty of the victim. Hence, it is prayed that the applicant may be enlarged on bail.

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 there is clear evidence present against this applicant regarding commission of offence, which are of serious nature, therefore, he should not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is this that the minor victim was acquainted with co-accused Kailash, who had in his possession some obscene photographs on the basis of which, he used to abuse and blackmail the minor victim. The allegation against this applicant is this that the co-accused Renu Baghel provided him with some obscene photographs of the minor victim and it was on her asking, this applicant uploaded the obscene photographs of the minor victim on Instagram through fake ID in which there was message for demand of money from the victim and there was also abusive words. Lastly it is alleged that this applicant forwarded the obscene photographs of the minor victim to her father.
6. Considered on the submissions and the facts present in this case. At present, the case is pending for trial and there is no specific reason to keep the applicant in continuous detention, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram