

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9002 of 2020

1. Mohan Jolhe S/o Late Shri Babulal Jolhe, Aged About 21 Years, Police Station Bagbahra, R/o Village Manbaye, Police Station Bagbahra, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Ms. Ishwari Ghrilahare, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19/01/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 12/09/2020 in connection with Crime No. 160/2020 registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence under Sections 384 & 509B of Indian Penal Code.
- 2) Allegation against the applicant is that he shot objectionable video of the prosecutrix through mobile, blackmailed her on the threat of making said photograph viral and forced her to remove her clothes on video call. It is further alleged that the applicant was demanding money from the prosecutrix was threatening her of committing suicide and falsely implicating them if she did not marry him. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an

innocent person and has been falsely implicated in this case. He submits that in fact the applicant is having love affair with the prosecutrix, the applicant is in jail since 12/09/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the applicant is a young offender of 21 years having no criminal antecedents as admitted by both the counsel, he has having affair with the prosecutrix who is his maternal sister, he is jail since 12/09/2020 i.e. more than 4 months as per arrest memo and trial is likely to take some time due to COVID-19 situation, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the 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 not involve himself in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge