

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8050 of 2021**

Sanjay Patel S/o Rohit Patel, Aged About 25 Years, Caste Aghariya, R/o Village Lohdipur, Outpost Bhawarpur, Police Station Basna, Tahsil Basna, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Basna District- Mahasamund Chhattisgarh.

---- Non-applicant

For Applicant : Shri Kishore Narayan, Advocate

For Non-applicant/State : Shri Amit Kumar Verma, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 04.09.2021 in connection with Crime No.424 of 2021 (wrongly mentioned as 424/2020) registered at Police Station Basna District Mahasamund (C.G.) for commission of offence punishable under Sections 385, 509A, 34 of Indian Penal Code and Section 67-A of Information Technology Act.
2. Case of prosecution, in brief, is that a complaint was lodged on 04.09.2020 stating therein that since 16.08.2020 to 26.08.2020, complainant and his friend received WhatsApp messages on their mobile phone demanding money from them, if not paid gave threat of making viral, obscene photographs of wife of complainant. Based on the complaint, First Information Report

was registered against Panchram Patel and present applicant. Applicant was arrested on 04.09.2021.

3. Shri Kishore Narayan, learned counsel for the applicant would submit that applicant has been falsely implicated in this case, he has not committed any offence as alleged against him. There is no material to connect the applicant in alleged crime. He further submits that after arrest, mobile owned by the applicant was seized by the police and in that also, there is no material to connect the applicant in the instant crime. Applicant is in jail since 04.09.2021, hence, he may be enlarged on regular bail.
4. Shri Amit Kumar Verma learned P.L. for the State opposing the submissions made by learned counsel for the applicant, would submit that some photographs have been exchanged by wife of complainant to Panchram Patel (co-accused) and based on that photographs, applicant along with co-accused Panchram Patel were sending WhatsApp messages demanding money from the complainant and his friend under threat of making photos viral. He also submits that different SIM numbers have been used by the accused persons for sending WhatsApp messages. However on query, he submits that no SIM is seized from possession of applicant used in crime.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, nature of evidence collected by the police during course of investigation wherein no direct connecting material is available in the case diary against applicant and he is

in jail since 04.09.2021, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the 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**