

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9015 of 2020**

- Aasharam Bhuarya, S/o Late Baraturam Bhuaarya aged about 48 years, R/o- Quarter No. 64/A Risali Sector Bhilai P.S. Newai Tehsil and District Durg (C.G.).

**----Applicant****Versus**

- State of Chhattisgarh Through : The District Magistrate District-Durg (C.G.).

**---- Respondent**


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| For Applicant        | : Mr. Vijay K. Sahu, Advocate     |
| For Respondent/State | : Dr. (Ms.) Veena Nair, Dy. A. G. |

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**Hon'ble Justice Shri Gautam Chourdiya****Order on Board****13/01/2021**

- 1) Heard
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05.11.2020 in connection with Crime No. 279/2020 registered at Police Station Newai, District- Durg (C.G.) for the offence punishable under Section 67 B of IT Act.
- 3) The prosecution story in brief is that the applicant posted some obscene photograph of women and children in social media and due to which offence under Section 67 B of IT Act has been registered.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He also submits that there is no any incriminating material recovered from the present applicant. He further submits that the applicant is in jail since 5.11.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State

opposes the bail application.

6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge-sheet has been filed, the fact that the present applicant is in jail since 05.11.2020, and trial is likely to take some time for its final disposal, the fact that the applicant has no criminal antecedent as admitted by both the counsels, without commenting upon merits of the case the application is allowed. It is directed that in the event of the 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.

**Certified copy as per rules**

Sd/-  
**(Gautam Chourdiya)**  
**Judge**

Amita