

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9069 of 2020

- Atul Pachare S/o Raghunath Pachare, Aged About 38 Years R/o Bapu Nagar, Khushipar Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. P.S. Kurshipar District Durg Chhattisgarh, District : Durg, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri A.C. Sahu, Advocate
For Non-Applicant/State	:	Shri Srikant Kaushik, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/02/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 23.11.2020 in connection with Crime No.199/2020, registered at Police Station- Khurshipar, District -Durg(CG) for the offence punishable under Sections 67,67(B) of the I.T. Act.
2. Case of the prosecution is that on 5.3.2019, an unknown person has uploaded some prohibited photos and videos in social media and during investigation, it was found that the applicant has posted some pornography photo and videos in the social media group. A report was lodged and the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He submits that there is no direct evidence against the applicant. He submits that the applicant is in jail since 23.11.2020 and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by

this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering that charge sheet has been filed; detention period of the applicant and the offence is triable by Magistrate and no criminal antecedent has been shown by counsel for the State; and conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-
7. (a) 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.
(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.
9. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/

(Gautam Chourdiya)
Judge