

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9059 of 2020**

Gopal Kumar, S/o Arjun Sharma, Aged About 24 Years R/o Harak Subhash Nagar, Subhash Nagar Police Station Begusarai District Begusarai Bihar.

---- Applicant**Versus**

State Of Chhattisgarh, Through S H O Nevai District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.

For the Respondent/State : Ms. Reena Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER**05.03.2021**

Heard.

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.294 of 2020, registered at Police Station – Nevai, District – Durg, Chhattisgarh for the offence punishable under Sections 506 of the Indian Penal Code and Section 67(B) of the Information Technology Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.11.2020 and has been falsely implicated in this case. The allegations are mainly against main accused – Uttam Kumar Gupta @ Surya Rocky Bhai who had obtained obscene photographs of the minor victim and the allegation against this applicant is that the co-accused provided him those photographs in his mobile phone, which was used by this applicant to

threaten the parents of the victim. There is no allegation against this applicant in the statement of the victim under Section 164 of the Cr.P.C. The applicant is physically handicapped person. Hence, it is prayed that the applicant 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 of commission of crime against this applicant. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution case is that co-accused - Uttam Kumar Gupta @ Surya Rocky Bhai was face-book friend of the minor victim aged about 13 years. On his request, the minor victim provided him some photographs of her own which were obscene in nature. These photographs were then transferred by the co-accused on the social media application of this applicant. It is alleged that this applicant made use of those photographs for threatening the parents of the minor victim. Hence, this case.

6. Considered the submissions. The charge-sheet has already been filed. Hence, for these reasons, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge