

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9240 of 2020**

Kailash Yadav S/o Niranjan Singh Yadav Aged About 19 Years R/o Jangal Para, Ward No. 6, Nagri, Thana- Nagri, District- Dhamtari (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer- Sihawa (S.C.W. Thana- Dhamtari) District - Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant : Shri Kunal Das, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2021**

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.119 of 2020, registered at Police Station – Sihawa, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 292, 354(A), 354(C), 385 and 509(B) of the Indian Penal Code, Sections 12 and 14 of the Protection of Children from Sexual Offences Act, 2012, Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 67 and 67(B) of the Information Technology Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 19.10.2020 and has been falsely implicated in this case. The main accused persons, namely, Harsh Vaidya and Renu Baghel have already

been granted bail. The allegation against this applicant is totally false. There is no evidence present in the charge-sheet to show that this applicant had circulated the obscene photographs of the victim in social media. 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 the allegations against the applicant are of very serious nature who has made use of the obscene photographs of the minor victim through other accused persons to threaten and make extortion from the complainant, therefore, he is not entitled for grant of bail.

4. The complainant/ victim is present before this Court on notice. She has objection in grant of bail to the applicant.

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

6. The prosecution case is that the applicant and the minor victim after getting acquainted with each other started having conversation on mobile phone. It is alleged that this applicant expressed about his love for the victim and forced her to send her nude photographs on WhatsApp. The victim felt compelled, therefore, she photographed herself as demanded by the applicant and send the same to this applicant on the WhatsApp media. Thereafter, the victim stopped having conversation with this applicant. The victim received a message on instagram-app through an ID in the name of Darshil Sharma, containing abusive words in statement and that the holder

of ID has in his possession obscene photographs of the victim which will be sent to her father in case she does not send Rs.50,000/- in the bank account given. The victim could not pay the money, thereafter, the father of the victim received one obscene photograph of the victim, which was the same, the victim had sent to this applicant. Therefore, the FIR has been lodged.

7. Considered the submissions. According to the material in the case-diary, it appears that the other accused persons have conspired to defame the victim and obtained the photographs from this applicant. This applicant is in jail since 19.10.2020. The charge-sheet has been filed and there appears to be no requirement to keep him in continuous detention, therefore, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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