

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9445 of 2020**

- Om Prakash Nishad, S/o Ghurwa Ram Nishad (wrongly written as Dhurwaram Nishad), aged about 21 Years, Resident of Village Turekela, Post Jharadih, Tahsil and Police Station Kharsiya, District Raigarh Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Kharsiya, District Raigarh Chhattisgarh.

----Non-applicant

For Applicant
For State

Shri Hari Agrawal, Advocate.
Shri Dinesh Tiwari, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****03/02/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.278/2020 registered at Police Station – Kharsiya, District Raigarh, C.G. for the offence punishable under Section 509B read with 34 of Indian Penal Code.
2. Allegation against the present applicant is that he alongwith other co-accused person morphed the images of the victim into an obscene photo and sent to the victim and other persons. On report being lodged to the above effect, the aforesaid offence has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant was arrested on 22.08.2020 and thereafter released on temporary bail on 25.09.2020 in view of COVID-19 Pandemic, charge sheet has already been filed, nothing is required to be seized from the applicant and more so, the similarly situated co-accused person namely Ravi Shankar Nishad in Bail Petition No.865/2020 has already been granted regular bail by the trial Court vide order dated 03.12.2020, therefore, the applicant be also granted bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the detention period of the applicant, in particular the fact that the similarly situated co-accused person has already been granted regular bail by the trial Court and that the present applicant has no criminal antecedent as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh