

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 550 of 2021**

- Suresh Motwani S/o Shri Aatmaram Motwani Aged About 34 Years R/o Sindhi Pakka Camp, Civil Ward No.09, Thana City Kotwali, Tahsil And District Damoh Madhya Pradesh. **---- Applicant**

Versus

- State of Chhattisgarh Through Police Station Durg, District Durg Chhattisgarh. **---- Non-applicant**

For Applicant : Mr. Krishna Kumar Khatri, Advocate.

For State : Mr. Ashish Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****18-03-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 15-12-2020 in connection with Crime No. 831 of 2020 registered at Police Station Durg, District Durg (CG) for the offence punishable under Sections 67 of Information Technology Act and Section 509 of IPC.
2. The allegation against the present applicant is that he uploaded nude photo of his wife/ victim in his Whatsapp status, and on the basis of the report lodged by the complainant, offence was registered against the applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case.

He also submits that the offence is triable by the Magistrate, except present one, no other criminal antecedent is reported against the present applicant, charge sheet has been filed, applicant is in jail since 5-12-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that except present one, no other criminal antecedent is reported against the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, offence is triable by the Magistrate, detention period of the applicant, charge sheet has already been filed and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju