

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9472 of 2020

- Botiram- S/o Shri Madda Ram Kashyap, Aged About 24 Years, R/o Village Garda Patelpaar, Lohandiguda, District -Jagdalpur, Bastar, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bodhghat, District -Jagdalpur Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ishan Verma, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.02.2021

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 on 07.12.2020 in connection with Crime No. 209/2020, at Police Station- Bodhghat, District- Jagdalpur (C.G.) for the offence punishable under Section 354 D & 509 (B) of Indian Penal Code, 1860.
2. The allegation against the applicant is that he sent pornographic videos to the prosecutrix through WhatsApp, made repeated calls to her, where he used to talk filthily despite objection being raised by her.
3. Learned counsel for the applicant submits that the

allegations against the applicant are false and fabricated, he is falsely implicated in the case and submits that applicant has no criminal antecedents, the applicant is 24 years of age, he is a first offender, he is in jail since 07.12.2020 and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that charge-sheet has been filed and that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, the fact that the applicant has no criminal antecedents as admitted by both the counsel, he is the first offender, charge-sheet has been filed as stated by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the 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 following conditions:-

(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 the Bench.

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

Nadim