

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 9498 of 2020**

- Avinash Bandhe S/o Shri Bhagbali Bandhe Aged About 45 Years R/o Village- Bhanesar, Jairam Nagar, Masturi, Bilaspur (Cg), Present Address- Ashok Vihar Colony, B.H. Ashok Hospital, Pandari, P.S.- Civil Line, Raipur (Cg), District : Raipur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Sho, P.S. Civil Line, District- Raipur (Cg), District : Raipur, Chhattisgarh

**--Non-Applicant**

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|-------------------------|-------------------------------------------------------|
| For Applicant           | : Shri Achyut Tiwari & Ms. C.K. Nawrang,<br>Advocates |
| For Non-Applicant/State | : Shri B.L. Sahu, P.L.                                |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**11/02/2021**

1. The applicant has preferred this second bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 3.11.2020 in connection with Crime No.439/2020, registered at Police Station- Thana-Civil Line, District Raipur(CG) for the offence punishable under Section 67(B) of the I.T. Act.
2. Earlier, Criminal Appeal No.12/2021 filed by the present applicant/appellant was dismissed as not maintainable on 11.1.2021 without touching the merits of the case. Thereafter, first bail application filed by the applicant was also dismissed as withdrawn in MCRC No.8795 of 2020 on 7.12.2020. Now, this is the second bail application filed by the applicant after filing of the charge sheet.
3. Case of the prosecution is that the applicant has uploaded obscene/objectionable posts on social media and on the basis of

the mobile number of the applicant which was registered, on his ID, he was arrested by the police under the aforesaid offence.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not committed any offence. He submits that there is no evidence against the applicant. He submits that the applicant is in jail since 3.11.2020 and conclusion of trial is likely to take some time, therefore, the applicant may be released on bail by this Court.
5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he accepts that there is no criminal antecedent against the applicant.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering that the applicant is first offender and is aged about 45 years; charge sheet has been filed; detention period of the applicant and the offence is triable by Magistrate and no criminal antecedent has been shown by counsel for the State; and conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on the following conditions:-
8. (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 this

Court.

9. 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**

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