

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9414 of 2021

1. Mukesh S/o Punaram Verma, Aged About 24 Years, R/o Village Khaira Chowki-Karhi Bazar, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station, City Kotwali Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant : Mr. Ravindra Sharma, Advocate.
For Non-Applicant/State : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16/12/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as he is arrested on 20/11/2021 in connection with Crime No. 281/2021 registered at Police Station Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence under Sections 67(B) of the Information Technology Act.
- 2) Allegation against the present applicant is that on 06/07/2020 he downloaded, uploaded and shared porn videos of woman and children from the internet. On written report being lodged to the above effect, aforesaid offence has been registered against the accused.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. The applicant was admitted in Hospital from 07/11/2021 to 09/11/2021 for surgery as he is suffering from some stomach disease and Doctor has advised him for rest vide Annexure A-2. He submits

that applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding. He also submits that the applicant is in jail since 20/11/2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has no criminal antecedents.
- 5) I have heard learned Counsel for the parties
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 24 years old, the medical conditions of the applicant vide Annexure A-2, the fact that applicant has no criminal antecedents 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, the application is **allowed**. 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/- 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,
 - 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - v. he shall not involve himself in any offence of similar nature in future.

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**

Chandrakant