IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1715 of 2024

BETWEEN:-

ROHIT PRAJAPATI S/O SHRI RAVISHANKAR PRAJAPATI, AGED ABOUT 30 YEARS, R/O SOMESHWARDHAM COLONY NEAR GAURAB GARDEN RAISEN DISTRICT RAISEN (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MADAN SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CRIME BRANCH DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. SONALI SHRIVASTAVA - PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

This second bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of regular bail in relation to FIR No. 87/2023 dated 31.7.2023, registered at Police Station Crime Branch, District Bhopal (M.P.) for commission of offence under Sections 354-D, 509 of IPC and Section 67-A of the Information Technology Act, 2000. Applicant is in detention since 25.08.2023.

2. Applicant's first bail application was dismissed as withdrawn and not pressed vide order dated 12.10.2023 passed in M.Cr.C. No.43327/2023.

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3. As per the prosecution story, on 17.3.2023 complainant/ prosecutrix filed an application in writing before the police alleging that some unknown person is sending obscene photographs along with obscene texts through email ID Nos. tsingroli404@gmail.com, singrolisingroli5@gmail .com, ansingroli@gmail.com, rajk477659@gmail.com and singrolibrothers@gmail.com on her email ID No.ritusingroli01@gmail.com. He is conveying indecent and vulgar messages about her and her colleagues. FIR was registered. After investigation, charge-sheet has been filed.

4. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. No messages were transmitted by him through e-mail. Applicant has no criminal background. Therefore, it is prayed that applicant may be released on bail pending the trial.

5. On the other hand, learned counsel for the respondent/State has opposed grant of bail.

6. In this case, after investigation charge sheet has already been filed. Considering the detention period of the applicant and the fact that final conclusion of trial will take considerable time, but without expressing anything on the merit of the case, I am inclined to release the applicant on bail. Consequently, this second bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7. It is directed that **applicant - Rohit Prajapati** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with

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a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case o f bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

mrs. mishra

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