

Deep Seth @ Deep Sith vs State Of Chhattisgarh on 24 February, 2025

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2025:CGHC:9483

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 817 of 2025

1 - Deep Seth @ Deep Sith S/o Tapan Seth Aged About 20 Years R/o Nehru Nagar Balco P.S
Balco Nagar District - Korba (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Officer In Charge Of P.S. Balco Nagar District Korba
(C.G.)

... Respondent(s)

For Applicant(s) : Mr. Anurag Agrawal, Advocate For Respondent(s) : Ms. Laxmeen Kashyap, Panel
Lawyer Hon'ble Shri Justice Arvind Kumar Verma, Judge Order on Board 24/02/2025

1. This is the first bail applications filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicant who has been arrested on 24.12.2024 in connection with Crime No. 669/2024, registered at Police Station- Balco Nagar, District- Korba (C.G.) for the offence punishable under Section 74 of BNS, 2023 and Section 12 of POCSO Act, 2012, Sec 66 of IT Act.

2. Since, the victim did not appear before this Court though served, therefore, Mr. Abhishek Saraf, Advocate who is present in the Court is requested to assist the Court as an amicus curiae.

3. Brief facts of this case that this case involves a 20-year old accused, Deep Seth, who is a young student preparing for competitive medical entrance examinations and resides with his parents who was arrested on 24.12.2024 in connection with allegations of inappropriate behaviour toward a 15 year old minor girl. The accusations include luring the victim, taking compromising photographs, and sharing these photos on her family Whatsapp group.

4. Learned counsel for the applicant contended that the applicant is innocent and had no connection with the alleged crime. Also he is in jail since 24.12.2024 and conclusion of trial is likely to take some time. Therefore, he prays for grant of bail to the applicant.

5. Learned State Counsel raised objection to the contentions of the counsel for the applicant.

6. Learned counsel appointed as amicus curiae raised no objection.

7. I have heard learned counsel for the parties and perused the case diary.

8. Taking into consideration the facts and circumstances of the case, that the applicant has no criminal antecedents, further the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.

9. Let the applicant- Deep Seth, involved in Crime No. 669/2024 registered at Police Station-Balco Nagar, District- Korba (C.G.), for the offence punishable under Section 74 of BNS, 2023 and Sections 12 of POCSO Act, 2012, Section 66 of IT Act be released on bail on his furnishing a bail bond of Rs. 10,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bhartiya Nyay Sanhita, 2023

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS, is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of Bhartiya Nyaya Sanhita, 2023.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 BNSS. If in the opinion of the trial court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

10. However, this Court hopes and trusts that the if the charge sheet is submitted against the applicants, the Trial Court shall make an earnest endeavour to conclude the trial as soon as possible in accordance with law, if there is no legal impediment.

11. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-

(Arvind Kumar Verma) JUDGE Madhurima