

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 11040 of 2022**

Jaigiri Goswami S/o Late Purushottam Giri Goswami Aged About 18 Years
At - Village Shikshak Nagar, Aamdi (M), P.S. Gariyaband, District :
Gariyabandh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO P/s Gariyaband, District : Gariyaband,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Vinay Nagdev, Advocate.
For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey**ORDER****31.03.2023**

Heard.

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 in connection with Crime No.249 of 2022, registered at Police Station – Gariyaband, District – Gariyaband, Chhattisgarh for the offence punishable under Sections 506(B) of the Indian Penal Code, Section 8 of the Protection of Children from Sexual Offences Act, 2012, Section 3(1)(xii) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 67B of the Information Technology Act.

2. As per prosecution story, father of the victim lodged a written complaint on 28.9.2022 to the effect that her daughter aged about 16 years, who was studying in class-X, informed him that the applicant has posted some obscene photographs on Instagram. On such complaint, the police registered the offence as stated above.

3. Learned counsel for the applicant would submit that the charge-sheet has been filed but in the charge-sheet there is no material to connect the present applicant with the crime. He would submit that the present applicant is in jail since 29.9.2022. He would further submit that the allegations with regard to Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not made out as photographs, if any, were not posted intentionally, therefore, the offence punishable under Special Act is not made out against the present applicant. Thus, he would pray for grant of bail to the applicant.

4. On the other hand, learned counsel for the State would oppose the bail application and the submissions made in this respect.

5. The father of the victim marked his appearance through video-conferencing on 27.1.2023 from the concerned DLSA and raised objection in grant of bail to the applicant.

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

7. Considering the fact that the charge-sheet has been filed, the present applicant is in jail since 29.9.2022 and the allegation against the present applicant is that he transmitted some obscene photographs of the victim on Instagram though the phone has been seized but there is no material in the case-diary to connect the present applicant with the crime, therefore, I am inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is **allowed**.

9. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and

(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 not involve himself in any offence of similar nature in future.

The observations made in the course of this order are only for considering the case of the applicant on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observations made hereinabove.

Sd/-

(Rakesh Mohan Pandey)
Judge