

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 5718 of 2022**

Yuvraj Patel S/o Mohan Patel Aged About 21 Years R/o Ward No. 17  
Nayapara, Bemetara, Police Station, Tehsil And District- Bemetara,  
Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh through Station House Officer, Police Station  
Bemetara, District- Bemetara, Chhattisgarh.

**---- Respondent**

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For Applicant	:	Shri Arvind Dubey, Advocate.
For Non-Applicant/State	:	Shri Kunal Das, P.L.
For the Complainant	:	Shri Tushar Dhar Diwan, Advocate.

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

**Order on Board**

**04.08.2022**

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.322 of 2022 registered at Police Station Bemetara, District Bemetara, Chhattisgarh for the offence punishable under Section 67B of the Information Technology Act & Sections 13 & 14 of the Protection of Children from Sexual Offences Act, 2012.
- 2) The allegation against the present applicant is that on 2.6.2022, the police station Bemetara received a report from National Crime Records Bureau to the effect that the present applicant had transmitted or published some material depicting children in sexually explicit act in electronic form in the year 2020. The NCRB verified the email and IP address and sent a letter to the police station to take appropriate action. On receiving such complaint, the police station registered FIR as mentioned above.

- 3) Learned counsel for the applicant submits that the applicant has just passed 12<sup>th</sup> examination and he has taken admission in college, he has falsely been implicated in this case, there is no direct evidence against him and he is in jail since 13.6.2022.
- 4) Union of India was directed to appear in the case being complainant. The order in this regard was passed by this Court on 29.7.2022. Learned State counsel and counsel for Union of India oppose the bail application.
- 5) Considering the facts that alleged act was committed sometime in the year 2020, FIR has been registered after delay of two years, the applicant is college going boy and he is in jail since 13.6.2022, I am inclined to grant bail to the applicant. Accordingly, the bail application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- 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.

Sd/-  
**(Rakesh Mohan Pandey)**  
**Judge**