

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 71 of 2022**

1. Akash Athlani S/o Shri Vijay Kumar Thlani, Aged About 27 Years, R/o Opposite Guru Tegbahadur, Mahaveer Nagar, District Raipur (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh, Through Station House Officer (S.H.O.), Police Station New Rajendra Nagar, District Raipur (C.G.).

**---- Non-Applicant**

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For Applicant	: Mr. Devershi Thakur, Advocate.
For Non-Applicant/State	: Mr. Kashif Shakee, Dy. A.G.

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**30/06/2022**

- 1) The applicant has preferred this **First Bail Application** under Section 438 of Cr.P.C.. The applicant is apprehending his arrest in connection with Criminal Case No. 50/2021 registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 67, 67(A), 67(b) of I.T. Act.
- 2) Allegation against the present applicant is that he downloaded, uploaded and shared porn videos of women and children from the internet through Facebook. 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 is an innocent person and has been falsely implicated in this case. He submits that the applicant was called by the Cyber Cell who checked the IMEI number of his Mobile which was not being used by the applicant and therefore he was let off. He submits that the applicant is 27 years old, there is no apprehension of the applicant tampering with the evidence or absconding, no custodial interrogation of the applicant is required and conclusion of the trial

is likely to take some time. The applicant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.

- 4) On the other hand, learned Counsel for the State opposes the bail application.
- 5) In compliance of order dated 13/06/2022, Ms. Yogita Khaparde, I.O. appeared before this Court in person and on being asked she submits that though no custodial interrogation of the applicant is required, however, in the event of his bail application being allowed, he may be directed to appear before the investigating officer as and when required and co-operate with the investigation. She submits that one complaint was also made by the applicant on 26/07/2020 regarding his fake account being made/used and demand of money from his friends.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the applicant, further considering the fact that some obscene content was uploaded through the Facebook ID of the applicant on 25/07/2020 and thereafter, the applicant made a complaint to Police Station Telibanda, Raipur (C.G.) on 26/07/2020 for conducting inquiry regarding misuse of his Facebook ID by someone, the incident is of the year 2020 whereas FIR was registered in the year 2021, the matter is still under investigation, no custodial interrogation of the applicant is required as submitted by the Counsel for the parties, the applicant is 27 years old, there is no apprehension shown by the State Counsel of absconding or tampering with or influencing the witnesses, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the applicant. Accordingly, the application is allowed.
- 8) It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on bail by the Arresting Officer on his furnishing a personal bond for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- **each** to the

satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-

- i. he shall make himself available for interrogation before the Police as and when required,
- ii. 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 or to the Investigating Officer,
- iii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iv. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- v. he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,
- vi. he shall not involve himself in any offence of similar nature in future and he shall not leave the country without due permission of the Trial Court.

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