



2026:CGHC:20699

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1142 of 2026**

Janak Sahu @ Jhanaklal Sahu S/o Shri Ramprasad Sahu Aged About 26 Years R/o Village Kolihapuri, Police Out Post - Chichola, P.S. - Chhuriya, Tahsil - Dongargarh, Distt. Rajnandgaon Chhattisgarh (Applicants Name Is Correctly Mentioned)

--- Applicant(s)**versus**

State Of Chhattisgarh Through Station House Officer, Police Out Post - Chichola Police Station - Chhuriya, District - Rajnandgaon Chhattisgarh

... Non-applicant(s)

For Applicant : Mr. Aditya Bhardwaj, Advocate.

For Non-applicant/State : Ms. Vaishali Mahilong, Dy. Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****04.05.2026**

1. The applicant has preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 298/2025, registered at Police Station Chhuriya, District : Rajnandgaon (C.G.) for the offence punishable under Sections 351(4), 296 of BNS, 2023 and Section 67 (A) of the Information



Technology Act, 2000.

2. The prosecution story, in brief, is that the victim lodged an FIR before the concerned Police Station stating that prior to her marriage, she was in a love affair with the applicant, during which she had sent her nude photographs to him through her WhatsApp number on his mobile number 70247xxxxx. However, after her marriage was fixed, she stopped communicating with the applicant, which made him angry. Thereafter, the applicant allegedly sent her obscene photos and videos to her would-be husband's mobile number 82097xxxxx from his mobile numbers 73896xxxxx, 62608xxxxx, and 99938xxxxx and is further making her nude photos viral by circulating them through WhatsApp and other internet platforms without her consent. It is further alleged that when she objected, he used filthy language and abused her. When her husband would-be informed her that an unknown person was sending her obscene photos and videos to him, she became aware of the incident. The applicant is also alleged to be blackmailing her by threatening to ruin her marriage by circulating her photographs in society. On the basis of the said report, an offence as mentioned above has been registered and the police have arrested the applicant for the alleged commission of the offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and there is no direct, cogent or reliable evidence to establish that he has published, transmitted or made viral any alleged sexually explicit material, as required to constitute an offence under Sections 67 and 67-A of the



Information Technology Act, 2000. It is further submitted that the investigating agency has failed to collect any technical, forensic, or documentary evidence to demonstrate actual publication, circulation or transmission of the alleged content by the applicant in the public domain. He further submits that it is an admitted case of the prosecution that the applicant and the complainant were in a consensual love relationship prior to the alleged incident, during which the complainant had voluntarily shared the photographs with the applicant. It is further contended that there is no material on record to show any specific or attributed role of the applicant in publishing or disseminating the alleged content and the allegations are vague and omnibus in nature without establishing him as the originator or active disseminator. It is also submitted that the applicant is neither the administrator nor in control of any public platform and therefore, his continued detention is unwarranted. He further submits that the applicant subsequently got married to another person, after which the present complaint has been lodged, indicating a strong possibility of false implication due to personal grudge and strained relations. It is also contended that the alleged photographs were not sent by the applicant from his mobile phone, but rather appear to have been transmitted from the complainant's own device and the applicant has neither taken any such photographs nor circulated them on WhatsApp or any other platform. Lastly, it is submitted that the applicant is a person of good character, has no criminal antecedents and therefore, his further detention is unjustified, entitling him to be released on bail.



4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the applicant and the complainant were in a love relationship, during which the complainant had shared her private photographs with the applicant and when her marriage was subsequently fixed with another person, the applicant, out of anger and revenge, misused those photographs by sending her obscene images and videos to her would-be husband and further circulating them through WhatsApp and other internet platforms, thereby attempting to defame her and disrupt her marriage, and thus, considering the serious nature of allegations and the material collected during investigation, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the materials available on record.
6. Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the applicant, the specific allegations that the applicant, having been in a prior relationship with the victim, misused her private photographs after her marriage was fixed elsewhere by allegedly circulating the same to her would-be husband and on social media platforms and also considering the the statement of the victim recorded under Section 183 of the BNSS, the period of detention of the applicant since 30.12.2025, and the material available on record, but without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail,
7. Accordingly, the bail application of the applicant is **allowed**.



8. Let applicant – **Janak Sahu @ Jhanaklal Sahu**, involved in Crime No. 298/2025, registered at Police Station Chhuriya, District : Rajnandgaon (C.G.) for the offence punishable under Sections 351(4), 296 of BNS, 2023 and Section 67 (A) of the Information Technology Act, 2000, be released on bail on her furnishing a **personal bond** with **two sureties** 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 him under Section 269 of Bharatiya Nyaya Sanhita.

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



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(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 of BNSS. If in the opinion of the trial court absence of the applicant 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 him in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal