

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4028 of 2015**

Raghvendra Singh @ Banthu S/o Vijayraj Singh, aged about 22 years, R/o Ward No.15, Pendra Dafai, Manendragarh, Civil and Revenue District Korea, District Korea (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, police of Police Station – Manendragarh, District Korea (CG)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr.O.P. Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/08/2015

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.78/2014, registered at Police Station-Manendragarh, District-Korea (C.G.), for the offence punishable under Sections 363, 366(A) & 376 of the IPC and Section 66(5) of the Information Technology Act.

2. Case of the prosecution, in brief, is that the applicant has adducted the prosecutrix aged about 19 years in the year 2012 and repeatedly committed sexual intercourse with her and also captured and published MMS of the major prosecutrix and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is delay of two years in lodging the F.I.R., as the offence is said to have been committed in April, 2012 and F.I.R. has been lodged on 22.2.2014, the prosecutrix is major and consenting party and offence under Section 66E of the Information Technology Act, 2000 relating to punishment for

violation of privacy is punishable with imprisonment for three years, which is bailalbe offence and as such, he is in jail since 24.2.2015, charge-sheet has already been filed and no further interrogation is required, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; extent of delay in lodging the F.I.R., also considering the fact that offence under Section 66E of the Information Technology Act is punishable with imprisonment for three years and pre-trial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-