

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7017 of 2015

Akil Ahmed, S/o Turab Khan, Aged About 30 Years, R/o Village Shanti Nagar, Dipka, P.O. & P.S. Dipka, Tahsil Katghora, Civil And Rev. Distt. Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Dipka, Korba, Distt. Korba Chhattisgarh.

---- Respondent

AND

MCRC No. 7066 of 2015

Dharmendra Pal S/o Gamanand Pal Caste Gadaria, R/o. Pali Road, Dipka, Tahsil Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Police Station Dipka District Korba (C.G.)

---- Respondent

For Applicants	:-	Mr. Praveen Das, Advocate
For Respondent/ State	:-	Mr. S.R. J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 92/2015 registered at Police Station- Dipka, District – Korba (C.G.) for the offence punishable under Sections 376,384,506B, read with section 34 of IPC.
2. Since both these applications are arising out of the same crime numbers they are being decided together by this common order.

3. As per the prosecution case, in brief, accused Dharmendra Pal was having relation with the prosecutrix and since they were in love affairs from 2010 to 2014, she was sexually exploited. Subsequently, Dharmendra Pal refused to marry the complainant and thereafter she was married and went to Manendragarh after her marriage. While she came back after some time Dharmendra Pal again with the help of Akil Ahmed sent a message to develop relations as it was existing before the marriage and thereafter the amount was demanded by these applicants on the pretext that they are holding the video clippings of physical relations and if the amount is not paid it will be made viral, therefore, the initial amount of Rs. 75,000/- paid from the account of the prosecutrix. Subsequently, the amount was escalated and demand of Rs. 2 lakhs was made and thereafter a report has been made.
4. Learned counsel for the applicants submits that the prosecutrix and her family members are in the habit of extracting money and borrowing money from people and when the money is not repaid such course of actions are adopted. He referred to the document dated 18.06.2015 wherein the report was made against Dharmendra Katariya and would submit that the report do not contain the name of Akil Ahmed which would go to show the character of the prosecutrix. He further submits that initially a case under section 354, 452 and 323 was also registered at the instance of the prosecutrix against Akbar Ali @ Shanu wherein he was acquitted and therefore, it can be assumed from the character of the prosecutrix that they are in the habit of extortion of money and also he referred to complaints of the shop owners and submits that according to it the prosecutrix had obtained amount

from different persons. He further submits that no seizure of photographs was made, therefore, they may be enlarged on bail.

5. Per contra learned state counsel as also learned counsel for the objector vehemently oppose as bail and would submit that on the pretext of making photographs public, money was demanded and initially the money was paid and subsequently when the demand was escalated to Rs. 2 lakhs the report was made.
6. I have perused the statements of the prosecutrix wherein it has been stated that the applicant had relation with the prosecutrix and after marriage again pressure was made to revive such type of relation and on refusal amount was demanded. It is stated some amount was also paid. Taking into the statement of the prosecutrix and the statement of Mohammad Sariffuddin and the manner in which the offence committed, I am not inclined to enlarge the applicants on bail. Accordingly, their bail applications are rejected.

(Goutam Bhaduri)
Judge