

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2971 of 2016**

- Kumbhraj Sinda S/o late Shri Maniraj Sinda, aged about 54 years, R/o Shankarpur, Gali No.3, Rajnandgaon, Tahsil & District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Non-Applicant

MCRC No. 3059 of 2016

- Mukesh Kumar @ Lankesh S/o Vaman Rao, aged about 29 years, R/o Ward No.3, Phoolchur, Gondia, (Maharashtra)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Abhishek Sharma, Advocate.
For Non-Applicant : Shri Satish Gupta, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/05/2016

1. Since both the above applications are arising out of the common crime number, they are being disposed of by this common order.
2. The Applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.61/2016, registered in Police Station : Kotwali, Rajnandgaon, District Rajnandgaon,

Chhattisgarh for offence under Section 376(2)(j) of Indian Penal Code and Section 67(A) of the Information Technology Act, 2000.

3. Applicant – Mukesh Kumar @ Lankesh befriended the prosecutrix while she was coming from Maharashtra to Rajnandgaon. She was allegedly made to consume cold drink whereafter she alleges that she had gone dizzy and could not recollect what happened with her. Subsequently, she lodged First Information Report after 15 days that Applicant - Mukesh Kumar @ Lankesh has committed sexual intercourse with her in a lodge owned by Gunjan Jain wherein Applicant – Kumbhraj Sinda is the Manager. The act was also videographed and thereafter applicant - Mukesh Kumar @ Lankesh started blackmailing the prosecutrix threatening that the video-clipping would be made public.
4. Learned State counsel opposes the prayer for grant of bail to the Applicants.
5. It appears that the prosecutrix being 21 years of age was well aware as to what is happening with her and if the video-clipping was made, there is possibility that another person was present in the room wherein she was subjected to sexual intercourse. This again goes to indicate that the prosecutrix may be consenting party. Applicant – Kumbhraj Sinda is the Manager of the lodge where the incident happened. They are in jail since 7.2.2016. The charge-sheet has already been filed.
6. Considering the entirety of the circumstances, this Court is inclined to release the Applicants on bail.
7. Accordingly, the applications are allowed and the Applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Vacation Judge
 (Prashant Kumar Mishra)