HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1337 of 2015

Mohiyuddin Sharif @ Monu S/o Riyajuddin Sharif Aged About 28 Years R/o Bajrang Para Kohka, Bhilai, Civil & Rev. Distt. Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For applicant – Shri C.K. Kesharwani, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.1109 of 2015, registered at Police Station Supela, District Durg (C.G.) for offence punishable under Section 376 of Indian Penal Code.

2. As per the case of prosecution a report was made by the prosecutrix that she came in contact with the applicant over phone. Subsequently, some relation developed and when she went to the place of doctor, at that time applicant came there and took her away and she was intoxicated thereafter was subjected to sexual exploitation and MMS was prepared. Subsequently, she was being black mailed that MMS would be made public, therefore report was made.

3. Learned counsel for the applicant submits that applicant has been falsely implicated, infact the complainant was working as security guard in the medical college and some advertisement was made for the job in the medical college for which applicant applied. The applicant came in contact with the prosecutrix and the prosecutrix introduced one Akash Jain as his husband and in order to provide job initial amount of Rs.50,000/- was paid to the

prosecutrix. Subsequently, in order to provide job Akash Jain further demanded Rs.1 lakh and the amount having not been paid false report has been made. He relied on the call details filed along with the application and would submit that all the calls were made by the prosecutrix and no call was made by the applicant. He further submits that the way the offence is alleged to have been committed applicant has been falsely implicated in the case, therefore he may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary, statement of the prosecutrix and FIR wherein it is alleged that prosecutrix was exploited and after intoxication video was prepared and in order to not to make the video public, demand was made. Considering the statement of the prosecutrix and nature of allegation which is serious and investigation is on, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

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