

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2635 of 2016

Rajesh Kumar Choudhary, S/o. Natwar Singh Choudhary, Aged About 35 Years, Occupation Agriculture, R/o. Village Bayang, Police Station Kotraroad, Tahsil & District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kotwali, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.98/2016, registered at Police Station- Kotwali, District Raigarh (C.G.) for the offence punishable under Section 376, 511, 354(c), 384, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a written report was made on 18.02.2016 by the prosecutrix that before her marriage when she went to his brother's house to get admission in the College, at that time, one day in 2015, the applicant took her to the College and when it was crowded, he took her to some Hotel and tried to commit rape and when she objected her nude photograph was taken and on that basis the other accused used to blackmail her.
3. Learned counsel for the applicant would submit that the prosecutrix was in relation with the applicant and it cannot be stated that she

was subjected to force, as it is not possible to get the nude photograph without the consent of the girl. It is further submitted that under the facts and circumstances of this case, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix wherein she had stated that in earlier when she went to the Hotel, her nude photograph was taken by the applicant and subsequently tried to commit rape upon her. The prosecutrix is shown to be 24 years of age. Taking into the report made, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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.

Sd/-
(Goutam Bhaduri)
Judge