

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7593 of 2015

Saurabh Chandrakar, S/o. Bhikham Chandrakar, Aged About 34 Years,
R/o. Village Fagundah, Police Station & Tahsil Gurur, District Balod,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station -
City Kotwali, District Dhamtari, Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.212/2015 registered at Police Station- City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 376, 506, 417 of Indian Penal Code and Section 67 of I.T. Act.
2. Case of the prosecution, in brief, is that on 26.12.2014 the prosecutrix while was going to purchase some books outside the College, the applicant meet her and took her lift on his motorcycle and after purchasing books, the prosecutrix was taken to the Hotel and consumed eatable and thereafter the prosecutrix became unconscious. Subsequently, she was subjected to rape during her unconsciousness and thereafter on the pretext of video clips the prosecutrix was again exploited more than two times and on 15.08.2015 the obscene video clip was uploaded in the whatsapp.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that if the offence has been committed initially in the month of December, 2014 there was no reason why there is inordinate delay has been made in lodging the report after one year. He further submits that the chip has been recovered from the possession of the girl and had there any intention to blackmail, the chip could not have been given to the girl. He further submits that it is a case of love affair and the applicant has been falsely inculpated, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the prosecutrix recorded under Section 161 & 164 of Cr.P.C. Perusal of the statement would show that the prosecutrix was subjected to sexual assault in the state of intoxication and the positive statement has been made, therefore, considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge