

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5793 OF 2017

Vijay Mishra S/o S/o Vinod Mishra, Aged About 21 Years R/o Village Medoli, P. S. Amilia District Sidhi Madhya Pradesh. Presently R/o House No. 372, Block No. 24, Housing Board Colony, Boriyakala, Police Station Bhujgahan District Raipur (Chhattisgarh).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Bhujgahan, Raipur, District Raipur (CG).

... Respondent

For Applicant	:	Shri Anurag Jha, Advocate.
For Respondent-State	:	Shri D. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 19.07.2017 in connection with Crime No. 175 of 2017 registered at Police Station Bhujgahan, Distt. Raipur for the offence punishable under Sections 376,506, and 323 IPC.
2. As per prosecution case, the appellant, 23 years old, is said to have raped a 33 years old lady on 18.07.2017 after offering her some intoxicated drinks without her consent and knowledge.
3. Learned Counsel for the applicant submits that it is a case where the present applicant has been falsely implicated in the case and that he has not involved in commission of offence in any manner. The prosecutrix is much older than the present applicant and there does not appear any occasion of any assurance to be given by the applicant to marry the prosecutrix. Further, no obscene pictures

were found in the mobile phone of the applicant, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the applicant is said to have offered some intoxicated drinks to the prosecutrix and after taking the same, the prosecutrix got unconscious thereafter the applicant is said to have raped her and have also taken her obscene pictures and subsequently on the pretext of blackmailing, the applicant is said to have had physical relationship with her on many occasions, and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that on query being put to the State, he is unable to give a satisfactory reply that the mobile phone of the applicant had contents or pictures of the prosecutrix with which it is alleged that the applicant was blackmailing the prosecutrix, further considering the age of the applicant and the age of the prosecutrix, also considering the entire facts and circumstances of the case, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/

(P. Sam Koshy)
Judge