

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 430 of 2017

- Kaushal Kumar Choudhary @ Munu S/o Manohar Lal Choudhary, Aged About 38 Years R/o Village Bayang, Police Station Kotraroad, District Raigarh Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Jutmil Police Station Raigarh District Raigarh Chhattisgarh

---- **Respondent**

For Applicant : Ms. Pritha Ghoshal, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-02-2017

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 on 19-02-2016 in connection with Crime No. 98 of 2016, registered at P.S. Kotwali, Raigarh, District Raigarh (CG) for the offence punishable under Sections 376, 511, 354 (c), 384, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 18-02-2016 a written report was made by the prosecutrix that before her marriage when she went to his brother's house to get admission in the College, at that time in the year 2015 one Rajesh Kumar Choudhary took her to some Hotel and tried to commit rape on her and thereafter took her nude photograph and on that basis Rajesh Kumar Choudhary along with present applicant tried to black mail her and demanded Rs.50,000/- and gave photograph to other persons of the family wherein the marriage of the prosecutrix was fixed and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence to the

fact that money was demanded by the present applicant in lieu of nude photographs. The incident was of September, 2015 whereas report was made in February, 2016 and no plausible explanation has been offered for delay. It is further submitted that charge-sheet has been filed in this case, the applicant is in jail since 19-2-2016 and no further investigation is required. Learned counsel would further submit that other co-accused namely Rakesh Kumar Choudhary has been granted bail vide order dated 21-6-2016 passed by this Court in M.Cr.C.No.2635 of 2016, therefore, he may also be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that there was inordinate delay in lodging the report and also the fact that other co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

