

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 621 of 2017

- Atish Upadhyay S/o Shri Nagendra Upadhyay Aged About 18 Years R/o Quarter No. 303, Street No. 4, Shanti Nagar, Thana Supela, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Durg, District- Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sachin Singh Rajput, Advocate

For Respondent/State : Mr. Aupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-02-2017

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 29-09-2016 in connection with Crime No. 681 of 2016, registered at Police Station Durg, District Durg (CG) for the offence punishable under Sections 376, 384, 506 of the IPC and Section 67 of Information Technology Act, 2000.
2. As per prosecution case, on 28-9-2016 a report was made by the victim girl that the boy who was with her had uploaded her nude pictures, thereafter blackmailed her and received different amounts at different points of time of total Rs.1700/- and on 29-9-2016 committed forceful rape on her and when again the amount was asked for, the report was made and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the victim girl and boy were known to each other and the victim girl being a major was a consenting party and only two phone calls have been made on 7-9-2016 and 12-9-2016, the statement of the victim girl would show that the phone calls were made before reporting the matter to Police Station which would be evident from phone call record, therefore, the applicant has been falsely implicated. He would further submit that the applicant is a student of B.Com., 2nd year, charge-sheet has been filed in this case, he is in jail since 29-9-2016 and no further investigation is required, therefore, he may 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 other documents. Case diary also contains certain Whats-app messages.
6. Perused the statement of the victim girl wherein positive allegation of demand of money is attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence, the evidence available against the applicant and further considering the statement of the victim girl, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

