

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4671 of 2017

Pradeep Banjare, S/o. Rajendra Kumar Banjare, Aged About 23 Years,
R/o. Village Kotmi Sonar, Police Station Akaltara, District Janjgir Champa,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Urga, District Korba,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent : Mr. S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2017

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 in connection with Crime No.67/2017 registered at Police Station- Urga, District Korba (C.G.) for the offence punishable under Section 376, 384 of I.P.C., Section 66(e), 67(a) (b) of Information Technology Act & Section 4 of Prevention of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the victim that while she was studying B.Tech. in I.I.T. Bhuneshwar, she came in contact with the applicant and fell in love. Subsequently, she was called one day in Guest-house and she was subjected to forceful sexual intercourse and thereafter video clip was prepared of such sexual intercourse and the applicant demanded Rs.9000/- on the ground that otherwise the video would be made viral. Subsequently, again the applicant had committed sexual

intercourse when she came back to her village and further demand of Rs.20,000/- was made and it was stated that in case of non-payment, the video would be made viral and the video was thereafter circulated in the whatsapp. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated, the victim was in love relation with him and the another boy Vijay Yadav, co-accused, since was also in love relation with the victim, therefore, out of the love and enmity, the false report has been made. He further submits that earlier to the fact that when the video was made viral, no report was made and the video was not sent to anyone except Vijay Yadav and father of the victim and there is no evidence to show it was circulated by the present applicant; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 161 & 164 of Cr.P.C. The main allegation of forceful rape is on the present applicant. Considering the nature of allegation against the applicant and the documents and charge sheet, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge