

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4298 of 2017

Vijay Kumar Yadav, S/o. Late Nishad Yadav, Aged About 19 Years, R/o. Patharripada, Chowki Rampur, Korba, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Thana Uрга, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.07.2017

1. This is the second 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- Uрга, Distt. Korba (C.G.) for the offence punishable under Sections 376, 384/34 of Indian Penal Code & Section 4 of Protection of Children from Sexual Offence Act & 66(E), 67(A)(B) of Information Technology Act. The first bail application was dismissed as withdrawn on 15.06.2017 in MCRC No.2146 of 2017 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, a report was made by the victim on 17.03.2017 that in between 22.08.2016 to 09.03.2017 she was subjected to rape/physical exploitation by one Pradeep Banjare and the physical intimated scenes were recorded in video which were sent by Pradeep Banjare to the applicant who made it viral and placed it to the Internet and also sent to the father of the victim. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has in-fact helped the victim to come out of the blackmailing as the other accused Pradeep Banjare has exploited the girl and has recovered money by blackmailing her, which would be evident from the statement of the victim. He submits that this applicant has not committed any sexual offence, therefore, the case of the present applicant is different to that of Pradeep Banjare. He further submits that the charge sheet in this case has been filed and no further investigation is necessary, therefore, the applicant 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. Considering the nature of allegation against the present applicant, it appears that the main allegation is attributed to the other accused of rape. Taking into allegation and the fact that the applicant is in jail since 17.03.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge