

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7948 of 2017

- Sameer Gilani S/o S/o Late Madadali Gilani, Aged About 40 Years R/o Near Sahu Sadan Kelabadi Durg P. S. Durg, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Durg, Civil And Revenue, District Durg Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. N.K. Chatterjee, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

27/02/2018

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.546/2017, registered at Police Station– Durg, District– Durg(C.G.) for the offence punishable under Sections 376, 384 of Indian Penal Code & Sections 3 (1) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that according to the prosecution case, the incident had taken place between the year 2010 & 2015 whereas FIR was lodged by the prosecutrix on 5.8.2017 and this fact itself shows that an absolutely concocted and false case was lodged by the prosecutrix alleging that

applicant had taken some video clips of the prosecutrix and he used to threaten her that he would expose the video clips. Neither such video clips have been recovered from the possession of applicant nor the prosecutrix has submitted any video clip in the course of investigation. Hence, no case is made out against this applicant.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the statement of prosecutrix and other witnesses, it is a clear-cut case of rape, extortion and the offence punishable under the Atrocities Act. Hence, the applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The prosecutrix has lodged FIR on 5.8.2017 in PS-Durg stating that she and applicant had friendship and in the year 2010, the applicant made her to eat some food item containing intoxicated drug as a result of which she became unconscious and taking advantage of that situation, the applicant committed rape with her. It is further alleged that the applicant had prepared some video clips of sexual act committed by him and subsequently, on the pretext of that, he used to threaten her for submitting her to sexual intercourse and also demanding money. It is also alleged that the prosecutrix had paid a total sum of Rs.5 lakh to the applicant as extortion money.
6. Considered the contents of case diary. It is apparent that prosecutrix has taken two years' time to lodge FIR against this applicant, no video clip was found in the possession of the applicant, applicant is in jail since 6.8.2017 and he is local resident of District Durg. In these circumstances, I am inclined to grant bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

allowed. It is directed that the applicant shall be released on bail on his 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.

8.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha