

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 446 of 2018

- Lokesh Kotariya Jain S/o Shri Madan Chand Jain, Aged About 25 Years, R/o Dhamtari, Tahsil And District Dhamtari, Chhattisgarh, Mobile No. 9424152663. Civil And Revenue District Dhamatari., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station DD Nagar, Raipur, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Sharma, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-12-2017 in connection with Crime No.215/2016 registered at P.S. DD Nagar, Raipur, Distt. Raipur, Chhattisgarh for the offence under Section 509, 354 of the IPC and Section 67A of the information Technology Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The date of incident is 03-09-2016 and the FIR was lodged on 04-09-2016, whereas the applicant has been arrested after passing of more than one year on 26-11-2017. No case is made out against the applicant. The case is still under investigation. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application. It is submitted that the applicant is having two prosecution under Section 363, 366 of the IPC. Hence, he is not entitled for grant of bail.

4. In reply, learned counsel for the applicant submits that appeal has been

filed against both the conviction against him and he has been granted bail by this Court.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the FIR lodged in this case, the applicant and the victim both were previously acquainted, on the date of incident all of them went to Mukhtangan in Raipur, where it is alleged that the applicant took some objectionable and obscene photographs of the victim and posted them in the whatsapp chat of the brother of the victim. In the statement under Section 161 of the Cr.P.C. the victim has given a different statement that the applicant took her to a holiday resort in Kumhari and inside the room of that resort he by force disrobed the victim and outraged her modesty by using force on her and he also took some photographs of that occasion and posted the same in the whatsapp chat of the brother of the victim.

7. Considered on the submissions made and the contents of the case diary.

8. Considered on the entire material present in the case diary. There appears to be change in version of the statement of the witness in FIR and the statement under Section 161 of the Cr.P.C., correctness of the same shall be determined by trial Court before which charge sheet is filed. For the present, looking to the time that will be taken for conducting investigation and further the time that will be required for concluding the trial in this case and the fact that no purpose would be served if the applicant is kept in detention till that time, I feel inclined to grant regular bail to the applicant.

9. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil