

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1649 of 2018**

Saumya Tamrakar S/o Sufal Tamrakar Aged About 20 Years Student Of Agriculture, R/o Tamerpara, Kasiram Chowk, Durg Tahsil And Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arjuni, Distt. Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, P.L.
For the Complainant	:	Shri Satyendra Singh Thakur, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.04.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.8 of 2018, registered at Police Station Arjuni, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 376, 506-B, 509 and 354(D) of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.1.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant and the victim in this case were good friends and had cordial relation between them. Because of some

misunderstanding, she has filed a false complaint. Presently, the victim herself has come forward and filed an affidavit before the Sessions Court stating that she has no objection if the applicant is granted regular bail. Certified copy of that affidavit is attached with the bail application. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statements under Sections 161 and 164 of the Cr.P.C. made by the victim in this case, no case is made out for grant of regular bail to the applicant.

4. Learned counsel for the victim/ complainant submits that the victim/ complainant has made a statement that she has no objection if the applicant is granted regular bail.

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

6. According to the prosecution case, the applicant and the victim both were students in a college acquainted with each other. On number of occasions, the applicant used to call the victim and outrage her modesty. On one occasion, the applicant tore the clothes of the victim and prepared a video clip from his mobile. Later on, this video clip was circulated in the mobile network. As the video clip was having obscene contents, the FIR was lodged against this applicant.

6. Considered the entire material present in the case-diary and perused the certified copy of the affidavit of the victim and also considered the statement made by counsel for the complainant/ victim, it appears that it would be proper if the applicant is released on bail during the pendency of the trial against him. Hence, for these reasons, the application is allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge