

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1748 of 2018

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 Station House Officer, Police Station
Urga, District Korba Chhattisgarh

---- Respondent

For applicant - Shri Rahul Mishra, Advocate.
For Respondent/State –Ms. Astha Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/03/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 23/11/2017 vide M.Cr.C. No.4671/2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.67/2017 registered in Police Station Urga, District Korba (C.G.) for offence punishable under sections 376, 384 of IPC, sections 66(e), 67(a)(b) of Information of Technology Act and Section 4 of Protection of Children from Sexual Offences Act, 2012.
3. 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.

4. Learned counsel for the applicant submits that statement of the prosecutrix has been recorded. He submits that reading of it would show that she was a consenting party, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of the victim. At this stage, it would not be proper for this court to evaluate the evidence of the victim. It is for the trial court to evaluate the same otherwise evaluating the statement would amount to usurping power of the trial court while hearing the application for bail, therefore this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE