

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1797 of 2018

- Prateek Chaturvedi S/o Rahul Chaturvedi, Aged About 24 Years, R/o Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sadar Kotwali Ambikapur, District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2018

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 19-02-2018 in connection with Crime No.84/2018 registered at P.S. Sadar Kotwali Ambikapur, District Surguja, Chhattisgarh for the offence under Section 376 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is 21 years old lady and the relation of the applicant and the prosecutrix was based on consent. A delayed FIR has been lodged, for which no proper explanation has been given. The applicant is in jail since 19-02-2018 and presently the charge sheet has been filed. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix has constantly alleged in her FIR, statements under Section 161 and 164 of the Cr.P.C. against this applicant. Hence, looking to the case against him, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. As per the allegation against this applicant, on 13-11-2017 the applicant took some photographs of the prosecutrix while she was changing clothes and thereafter by showing the photographs to the prosecutrix he demanded for sexual favour by putting her under threat that if she does not submit to his wishes, then he will make the photographs public in any social media or mobile network. It is alleged that it was under threat the prosecutrix submitted physically for the first time and for two more times on other occasions. Ultimately, the prosecutrix disclosed about the incident to her husband and thereafter, the FIR was lodged on 06-02-2018.

6. Considered on the entire material present in the case diary. The substance of threat, said objectionable photographs, has not been seized in the investigation, neither the mobile phone of the applicant was seized to make any investigation in that direction, hence, under these circumstances, I am of this opinion that the applicant should be granted regular bail during the pendency of trial against him.

7. Consequently, this application filed under Section 439 of the Cr.P.C. by the applicant 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge