

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 598 of 2018

- Malayjeet Khuntia S/o Somnath Khuntia Aged About 23 Years R/o G. M. Complex, West Chirimiri, Pondi, Tahsil Baikunthpur, Distt. Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Police Station Chirimiri, Pondi, Tahsil Baikunthpur, Distt. Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.

For Respondent : Mrs. Smita Ghai, Panel Lawyer.

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

25/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.92/2018 registered at Police Station- Chirmiri, District – Koriya(C.G.), for the offence punishable under Sections 417, 354(C), 376(2)(h) & 323 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the applicant and prosecutrix had love affair between them. The prosecutrix being a major lady of 27 years was a consenting party.

According to the contents of FIR, the incident started on 25.10.2014 whereas the FIR has been lodged on 11.4.2018 after delay of 4 years. The allegation made by the prosecutrix are totally without substance and support, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the statement given by the prosecutrix the applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to case diary, the allegation against this applicant is this that from 25.10.2014 this applicant kept the prosecutrix with him and by use of force raped her on number of occasions. It is alleged that applicant took obscene photographs and prepared obscene videos for which he used to demand money from the prosecutrix by putting her under threat, that he will upload her obscene photographs and videos on the Internet media if money is not paid by the complainant/prosecutrix. Getting harassed from the activities of the applicant, the prosecutrix lodged FIR. Hence, this case.
6. Considering on the entire material present in the case diary, after due consideration in the length of the period of offence and that no explanation has been offered about delay in lodging the FIR, for these reasons, I am of this view that this is a fit case where applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer

arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge