

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 905 of 2019

- Hemlal, S/o Dhan Singh Sahu, Aged About 23 Years, Occupation- Agriculturist/Labour, R/o Village- Sonchiraiya, Post- Hantranka, Police Station & Tahsil-Thankhamhariya, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Bhilai Nagar, Sector-6, Kotwali, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K. Pali, Advocate.
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

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

21/06/2019

1. This is the first bail application of this applicant and the applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.163/2019 registered at Police Station-Bhilai Nagar, Sector-6 Kotwali, District – Durg(C.G.), for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The prosecutrix is 22 year old major lady. Applicant and prosecutrix both had love affair between them and their physical relation was consensual. The rest of the

allegations made regarding preparation of digital material etc. and threats given on that basis are totally false, hence, it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the material present in the case diary, a clear case is made out for offence of rape and also offence under Information Technology Act is made out, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, the applicant and prosecutrix got acquainted with each other in the year 2017, and then the applicant by promising that he will marry her established physical relation with her on number of occasions. The prosecutrix when insisted for marriage, the applicant then disclosed that he has prepared her obscene photographs which he will make viral and defame the prosecutrix. Hence, this case.
6. Considered on the entire material present in the case diary, the statement of the prosecutrix that the applicant had some contents of digital nature in his possession and also the camera etc. may be found with him which is required to be found out and recovered in the investigation, therefore, the arrest and interrogation of the applicant is required for the investigation in this case.
7. After considering the entire material present in the case diary, I do not feel inclined to allow this application.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge