

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4896 of 2019

- Mahendra Kumar Bafna S/o Shri Bhikham Chand Bafna Aged About 40 Years R/o Chandni Chowk, Narayanpur, Police-Station- Narayanpur, District- Narayanpur, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through- Police Station- Narayanpur, District- Narayanpur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate.
For Respondent	:	Mr. Arijit Singh, Panel Lawyer.

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

06/09/2019

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.102/2019 registered at Police Station–Narayanpur, District– Narayanpur(C.G.) for the offence punishable under Sections 376, 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 24.06.2019. No case is made out against the applicant. The prosecutrix in this case is a major woman of age 23 years. The incident as alleged has taken place in the month of December, 2018, whereas the FIR has been lodged on 23.6.2019. The delay has not been

explained by the prosecutrix. Further, as alleged that this applicant had prepared some objectionable video clip of the prosecutrix, that has not been recovered in the investigation and the case is presently pending for trial, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix has explained that because of the threat given by the applicant she did not lodge the FIR before, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, prosecutrix was working as employee in the shop of the applicant. On the date of incident this applicant gave some cold drink to her, after drinking the same, the prosecutrix went unconscious and when she came conscious she found that she disrobed then the applicant displayed a video on his mobile threatened her that he will kill her if she discloses this to anybody.
6. Considering that the FIR has been lodged after passing of 6 months, no objectionable video clip has been recovered from the mobile phone of the applicant and, further, the case is now pending for trial, for these reasons, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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