

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1367 of 2019

- Sandeep Patnayak S/o Shri Sudhir Patnayak Aged About 28 Years R/o Banaras Road, Bhagwanpur, Ambikapur, P.S. And Tehsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 223/2019, registered at Police Station Surajpur, Distt. Surajpur (C.G.) for the offence punishable under Section 376(2)(N), 506 (B) of the IPC & 66 (C), 66 (E) of the IT Act.
2. In this case, the age of the prosecutrix is about 21 years. As per prosecution story, on 03.07.2019, the prosecutrix lodged a written complaint alleging therein that before her marriage, the applicant used to visit to her elder brother's showroom at that time he said to prosecutrix to meet him at college where she met with him. One day in the year 2017, the applicant came to the house of prosecutrix, when she was alone and there he committed forcible sexual intercourse with her on the pretext of marriage. He also taken pictures and made video of the prosecutrix and thereafter threatened her. On 01.05.2015, prosecutrix was married with one Minazuddin. Allegedly, on 03.05.2019, the applicant sent all the

photos and videos to the husband of prosecutrix through whatsapp messenger as well as uploaded the same on Facebook also. On the basis of complaint made by prosecutrix, offence has been registered against the applicant.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. *Prima Facie* no offence can be made out against the applicant. From the story narrated by the prosecutrix itself shows that she was a consenting party in the alleged act. The applicant has never taken any photographs of prosecutrix nor he sent any photo/video to the husband of the prosecutrix. He finally submits that the applicant is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that there are sufficient evidence available on record against the applicant. She further submits that after inquiry, it was found that the photographs/video which were sent to the husband of prosecutrix and the same was uploaded on social media has been done by the applicant. Therefore, he may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is not a fit case to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge