

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1174 of 2020

- Dewashish Haldar, S/o Shri Devendra Haldar, Aged About 38 Years, R/o Ramnagar, Thana and Tahsil - Bilaspur District – Rampur, Uttar-Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station - Pakhanjur, District - North Bastar, Kanker, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Sunil Sahu, Advocate
Ms. Fouzia Mirza, Addl. AG

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

23/03/2020

1. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.96/2019, registered at Police Station Pakhanjur, District North Bastar Kanker (C.G.), for the offence punishable under Sections 376, 376 (2) (n), 376 (2) (j), 506-B of IPC and Section 3 (1) (b), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 67 & 67 (A) of the Information Technology Act, 2000.
2. The applicant has allegedly committed sexual intercourse with the prosecutrix, aged about 22 years.
3. The material available in the case diary would indicate that while

the applicant was working as Supervisor at a construction site where the relatives of the prosecutrix used to work, she developed intimacy with the applicant and remained in contact over mobile phone. Subsequently, the applicant committed forcible sexual intercourse with the prosecutrix firstly on 13.07.2018 and they stayed together in a house for one day. In October, 2018, they again stayed together for two days and then on 03.01.2019 also, she was subjected to forcible sexual intercourse. She says that in October, 2018, the applicant obtained her nude pictures and she was videographed in nude position and later on when she refused to have relation with the accused, he made it public by uploading on the internet.

4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the continued relation of the prosecutrix with the accused and for the fact that she is more than 18 years of age and the applicant is in jail since 02.09.2019 i.e. for more than 6 months, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed. The applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge