

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 447 of 2020

Chetan Shah, S/o Late Shri Lalit Shah D, Aged About 39 Years R/o Flat No. B -201, Pam Bellagio, Near B.S.N.L Office, Khamhardih, Shankar Nagar Raipur, Tehsil, Revenue And Civil District : Raipur, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through - Police Station Ratanpur, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Bhaskar Payashi, Advocate
For State	:	Shri Sudeep Verma, Dy. G.A.
For Objector	:	Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22.06.2020

Heard.

The applicant is apprehending his arrest in connection with Crime No.102/2020 registered at Police Station – Ratanpur, District – Bilaspur, (CG) for alleged commission of offence under Section 376 of the IPC.

2. Prosecution case is that the applicant sexually exploited the prosecutrix by preparing obscene videos and blackmailing her. According to the prosecution, as per FIR lodged by the prosecutrix, the applicant and prosecutrix were entangled and were having love affair. At the time of sexual intercourse, the applicant administered some pills and when prosecutrix became unconscious, the applicant secretly prepared videos, so that prosecutrix may not disclose the relationship to anybody. According to prosecutrix, the applicant sexually exploited her on the false pretext of marriage. The applicant on the basis of the video clipping started sexually exploiting her and when prosecutrix requested the applicant to marry, he avoided and then, later on, prosecutrix came to know in 2014 that the applicant was a married person having children. Though, she wanted to report the matter to the police, she was shown video clipping and threatened that it will be made viral, therefore, the

prosecutrix could not do anything. Finally the prosecutrix decided to lodge a report against the applicant.

3. Learned counsel for the applicant would submit that present is a case of false allegation and a counter blast. He would submit that earlier on 26.09.2019, the applicant had lodged a report against the prosecutrix that he and the prosecutrix were having illicit relation and the prosecutrix got video clipping prepared and thereby blackmailing him and extracted huge amount of money from time to time stating that, if, money is not given to prosecutrix and his associate, the video clipping would be made viral. It is further submitted that in the said complaint report the applicant also disclosed that the prosecutrix, blackmailing him since long, has extracted Rs.1,52,51,000/-. On the said report, offence was registered under Section 384 read with Section 34 of the IPC, against the prosecutrix and one Ricky Sharma. After she was enlarged on bail, she started pressurising the applicant to withdraw his complaint, failing which, she would lodge a counter report against him, against which, the applicant lodged report on 20.12.2019 before the Director General of Police, Police Headquarter, Raipur, followed by another report before Sr. Superintendent of Police, Raipur on 23.12.2019, that prosecutrix is threatening to lodge false case and pressuring the applicant to withdraw his FIR. The prosecutrix made an attempt to get a case registered against the present applicant by approaching Khamhardih, police station Raipur and Telibandha, police station, Raipur. When she failed in this effort, she lodged a report in the police station Ratanpur without disclosing that against her, on the basis of report made by the applicant, an offence was registered and criminal case is pending. Learned counsel for the applicant referring to various statements of bank account submits that the prosecutrix has extracted lacs of money from him and now she has come with an after thought case by lodging FIR on 12.02.2020, therefore, he may be protected by granting anticipatory bail.

4. On the other hand, learned counsel for the State and learned counsel for the objector oppose prayer for grant of anticipatory bail by submitting that the applicant is the real culprit. In the FIR, the prosecutrix has clearly stated that the applicant entangled her and started sexually exploiting her by secretly preparing video clipping. She was threatened that if prosecutrix does not succumb the wishes of the applicant, the video clipping would be made viral. It was for this threat that the prosecutrix could not resist exploitation and subjected to the same for long until she finally decided to lodge FIR against the applicant. It is also submitted that various amounts which are said to be transferred by the applicant to the prosecutrix in the past are only sham transactions as later on, the amount transferred in the account of prosecutrix used to be taken back by the applicant.

5. I have heard learned counsel for the parties and gone through the record. On *prima facie* considerations it is revealed that on 26.09.2019, the present applicant lodged FIR against the prosecutrix and one Ricky Sharma, wherein it was alleged that the prosecutrix got a video of sexual act of the applicant with her secretly prepared and thereafter, she and her associate Ricky Sharma started blackmailing the present applicant. In this FIR it was stated that the prosecutrix developed sexual relationship with the applicant stating that she has fallen in love with the applicant and insisted for marriage, but, the applicant disclosed that he is already married and he can't marry again. Thereafter, the prosecutrix provoked the applicant to enter into sexual relationship. It was stated on such extortion, Rs.48,51,000/- was transferred by the applicant from time to time in the account of prosecutrix. In addition, she had also taken vehicle and cash and in this manner a sum of total Rs.1,52,51,000/- was collectively taken by the applicant and offence under Section 384 r/w Section 34 of the IPC has been registered against the prosecutrix and one Ricky Sharma. She was also arrested and later on released. The applicant has also placed on records the copy of bank statements, which shows transfer of lacs of rupees in the account of prosecutrix between 28.02.2019 to 02.04.2019. Further, the prosecutrix did not lodge any report against the present applicant until the applicant approached police and lodged FIR on 26.09.2019 alleging extortion and blackmailing. The prosecutrix has lodged report as late as on 12.02.2020. Moreover, the applicant submitted two complaints before the police authority one on 20.12.2019 and other on 23.12.2019 alleging that the prosecutrix is pressurising him to withdraw his report, otherwise she would lodge report against applicant.

6. Therefore, taking into consideration the aforesaid circumstances, particularly taking into consideration the filing of FIR way back on 26.09.2019, transfer of huge amount of money in the account of prosecutrix and the prosecutrix lodging report on 12.02.2020, almost five months after the report lodged by the present applicant, the applicant case that he is being falsely implicated has considerable force, therefore, in the considered opinion of this Court, present is a fit case for grant of anticipatory bail to the applicant.

7. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he 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 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 him by the said Court till disposal of the trial.

8. Before parting with the case, it is directed that the observations made in the case are being confined only in the matter of granting anticipatory bail and the Courts below shall not be influenced by such observations in deciding the criminal case on its own merits depending upon the facts collected during the trial.

9. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge