

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2702 of 2020

- Vishwranjan Pradhan @ Vishu, S/o Arjun Kumar Pradhan, Aged About 21 Years, R/o Block/3/g Street No. 11, Sector - 6, Bhilainagar, Police Station Sector - 6, Kotwali Bhilai, Tehsil and District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal with Mr. Avinash Chand Sahu, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.22/2020 registered at Police-Station-Supela, District-Durg (C.G.) for the offence punishable under Sections 376, 366A, 384, 506, 109 of IPC and Sections 4 & 12 of POCSO Act, 2012 and Section 67A, 67B of IT Act.
2. It is submitted by the learned counsel for applicant, that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 14.1.2020. No case is made out against the applicant.

There is no allegation made by the prosecutrix against this applicant about making demand of money by him. Similarly, there is no allegation of rape by the prosecutrix against this applicant. According to the prosecution case, the incident has occurred on 9.6.2019, whereas FIR has been lodged belatedly on 13.1.2020. Hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that this applicant by putting the prosecutrix under threat has sexually exploited her, took her obscene photographs and thereafter started blackmailing her with the help of his friends, therefore, he is not entitled for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution is this, that the prosecutrix and this applicant both were Facebook friends. They met on 9.6.2019 and the applicant offered to go on motorcycle ride to which the prosecutrix agreed. It is alleged, that this applicant took the prosecutrix to the house of his friend, where by putting the prosecutrix under threat he forcefully raped her and at the same time, he also took some obscene photographs of minor prosecutrix. The prosecutrix did not disclose the incident to anyone due to threat given by applicant. It is alleged, that the applicant with the help of his friend namely Vikash Sharma made obscene photographs of the prosecutrix viral on Facebook and thereafter co-accused Vikash Sharma also demanded a sum of Rs.5,000/- from the prosecutrix for removing her objectionable photographs from the

Facebook. When the prosecutrix did not make any payment, the photographs were made viral on social media account of the father of the prosecutrix. Subsequent to which, FIR has been lodged.

6. Considered on the submissions as submitted by the learned counsel for applicant. Statement of the prosecutrix under Section 164 CrPC does not clearly mention, that she was raped by this applicant, needs to be clarified, which is possible only when the trial in this case is commenced. Otherwise, the prosecutrix has made clear allegation against the applicant regarding the commission of offence of rape with her.
7. Considering the facts and circumstances of this case, I am of this view that it is not a fit case for grant of bail to the applicant. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha