

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 560 of 2020**

- Satyaprakash Khare S/o Bhagwat Prasad Aged About 21 Years R/o Pandavpara, Kargi Road, Ward No. 03, Kota , Bilaspur , District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Sector - 6, Bhilai Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri B.D. Guru, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****29/06/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 178/2020 registered at Police Station Sector -6, Bhilai Nagar, District – Durg, (C.G.) for the offence punishable under Section 376 of I.P.C. and Section 67 of I.T. Act.
2. In the present case, prosecutrix is a major girl aged about 23 years. Applicant herein is a student aged about 21 years. On 18.4.2020, an F.I.R. was lodged by the prosecutrix alleging therein that she was studying along with applicant since last years and during their study, applicant developed love affair with the prosecutrix. Prosecutrix used

to visit the house of the applicant and allegedly, on 18.2.2020, applicant developed physical relationship with her and assured her that he will perform marriage with her and both will live together. It is further alleged that at the same time applicant took obscene photos and videos of the prosecutrix and on the basis of the said, applicant started demanding money from her. Applicant also made the obscene photos and videos viral and sent the same to the father of the prosecutrix. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that virtually, both applicant and prosecutrix are major persons and they were in love relationship for last two years and they were also in live-in-relationship for some time. It is further submitted that prosecutrix is a major girl and consenting party, therefore, *prima facie*, no offence under Section 376 of I.P.C. can be made out against present applicant. With regard to Section 67 of I.T. act, prosecutrix has narrated false and fabricated story as there is nothing on record on the basis of which it can be said that applicant has viral the obscene photos and videos of prosecutrix. Therefore, offence under Section 67 of I.T. act is also not made out. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, particularly considering the fact that alleged incident occurred on 18.2.2020 and F.I.R. was lodged on 18.4.2020 i.e. after a gap of two months, also prosecutrix is a major girl and consenting party, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge