

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3308 of 2020**

- Gopal Bhattacharya S/o Govind Bhattacharya Aged About 25 Years R/o Village Simultala, Police Station Ghot, District Gadchirouli, Maharashtra.,

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Devershi Thakur, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.69/2020 registered at Police Station- Dongargarh, District- Rajnandgaon, C.G. for the offence under Sections 376(2)(j) of IPC & 67, 67(a) of IT Act.
2. Prosecution case is that the applicant committed sexual intercourse taking undue advantage of the relationship between the applicant and the prosecutrix and a video was also prepared. Further case is that when applicant came to know that the prosecutrix is now avoiding him and going to marry with some other person, he made viral obscene video of sexual intercourse between the applicant and the prosecutrix.
3. Learned counsel for the applicant would submit that on the face of statement under Section 161 Cr.P.C., present is a case of consensual sexual intercourse. He would submit that the statement of the prosecutrix herself shows that prosecutrix and applicant were having long standing affair and even prosecutrix at one point of time, was willing to marry the applicant. The sexual intercourse which is being stated as rape, happened way back on 27.06.2019 but no report was lodged by the prosecutrix. He would submit that the

prosecutrix started making allegation of rape against the applicant only when the applicant insisted the prosecutrix to marry him and not to marry any other person. His further argument is that the allegation of preparation of video and making it viral to others, is based only on oral statements and no mobile has been seized from the possession of the applicant nor any evidence of obscene video made viral to any other person in the electronic device. No such electronic device containing video has been seized from the possession of the applicant or any other person.

4. On the other hand, learned State Counsel opposes and submits that on face of the statement of the prosecution, there is not only allegation of rape but the mother and maternal uncle of the prosecutrix both have stated that the applicant made viral obscene video of the prosecutrix.
5. Having considered the submissions of learned counsel for the parties, particularly taking into consideration the disclosure made from the diary statements of the prosecution witnesses that the applicant had prepared video and made it viral to different persons which contained objectionable material, I am not inclined to grant bail to the applicant.
6. The bail application is accordingly rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge