

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3398 of 2020

Manish Ursete S/o Dhannalal Ursete Aged About 29 Years R/o LIG 121
Sevaniya, Amrai Parisar, Police Station Bagsevanya, Bhopal, Madhya
Pradesh., District : Bhopal, Madhya Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through SHO, Police Station Bhilai Bhatti, District
Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Aman Pandey, Advocate
For State	:	Shri Alok Bakshi, Addl. Advocate General

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 198/2019 registered in Police Station -Bhilai Bhatti, District- Durg (CG) for alleged commission of offence under Sections 384, 376 and 201 IPC.
2. Case of the prosecution, in brief, is that the applicant, taking undue advantage of his acquaintance and familiarity with the prosecutrix, started extorting money from her on the threat that if she does not give him money, he will upload obscene photographs and video of the prosecutrix. It is also alleged that when the applicant used to come to meet the prosecutrix, he subjected her to rape also.
3. Learned counsel for the applicant would submit that a bare reading of the FIR, per se, shows that the prosecutrix and the applicant had become friend, there was love affair and they were also having sexual relationship. He would submit that allegation of extortion of money on the ground that

obscene photos and video would be made viral is not based on any material collected during investigation and filed with the charge sheet. Next submission of learned counsel for the applicant is that in the present case, the prosecutrix has lodged report only to get rid of the applicant after having satisfied her lust for more than one year with the applicant. Therefore, under these circumstances, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the prosecutrix has clearly stated that applicant was subjecting her to rape since last more than one year on the threat that if she does not satisfy his lust and does not pay him money, he would upload the obscene photo and video of the prosecutrix. The applicant collected huge amount and also golden ornaments from the prosecutrix by way of extortion.
5. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration that even according to the prosecutrix, she and the applicant had become friend and developed love affair for one year and that the applicant was visiting the prosecutrix time and again and that the prosecutrix is a grown up matured lady aged 37 years and further taking into consideration that the prosecution has not come out with any material seized from the applicant that he was possessed of any obscene photograph or video of the prosecutrix and that charge sheet has already been filed, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge