

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3752 of 2020

Virendra Kumar Yadav S/o Govind Ram Yadav Aged About 30 Years R/o Kailashnagar, Balko, P.S. Balkonagar, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Balkonagar, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For State	:	Shri Alok Bakshi, Addl.A.G.

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

Order On Board

31/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.241/2020 registered in Police Station -Balko Nagar Korba, District- Korba (CG) for alleged commission of offence under Sections 376 and 385 IPC.
2. Case of the prosecution, in brief, is that the applicant committed rape of the prosecutrix and prepared obscene video of sexual intercourse and started threatening the prosecutrix that if she discloses it to anybody, he will pass on the video to others and in this manner, the applicant sexually exploited the prosecutrix.
3. Learned counsel for the applicant would argue that the prosecutrix has made false allegation against the applicant. Even according to the prosecutrix, the applicant, for the first time, came to her house in September- October 2019 and committed sexual intercourse, but no report was lodged. The FIR has been lodged on 20.5.2020, i.e. long after 7 months

of the incident. Learned counsel for the applicant further submits that the seizure of mobile phone and pen drive is also false and the query made with regard to details of the video and whether it has been made viral have not been submitted along with the charge sheet. Therefore, in these circumstances, even if it is accepted that there was sexual intercourse, it was consensual in nature and not rape. Therefore, the applicant may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that from the possession of the applicant, one mobile phone and a pen drive have been seized and in the seizure prepared by the investigating officer, it has been clearly stated that the obscene photographs and video contained in the mobile phone and pen drive are that of the prosecutrix and a query has also been made, report of which is still awaited. Learned counsel for the State also submitted that against the applicant, one more case of similar nature has also been registered, therefore, at this stage, he may not be granted bail.
5. Considering the submissions made by learned counsel for the parties, particularly taking into consideration the material seized from the applicant in the form of mobile phone and pen drive which is said to be containing obscene photographs and video of the prosecutrix, present is not a fit case for grant of bail.
6. The application is therefore rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge