

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6302 of 2020**

1. Yamuna Gupta, W/o. Shri Ravi Gupta, aged about 25 years, Caste-Satnami (wrongly printed as Caste – Teli in the order dated 25.08.2020).
 2. Bajrang Gupta, S/o. Shri Suraj Gupta, aged about 20 years, Caste-Satnami,
- Both are R/o. Ward No. 4, P.S. and Tehsil- Basna, District-Mahasamund, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through- Station House Officer Basna, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.
For Objector	: Ms. Purnima Singh, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.312/2020, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 384, 342, 34 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.

2. At the very outset, learned counsel for the applicants seeks permission of this Court to withdraw the bail application in respect of the applicant No.1 – Yamuna Gupta. Accordingly, the bail application in respect of the applicant No.1 is dismissed as withdrawn.
3. It is submitted by the learned counsel for the applicant No.2 that the applicant No.2 has been falsely implicated in this case. According to the prosecution case itself, there are no serious allegation against this applicant and he has no connection with other offences committed. In fact, there is a business rivalry between the applicant and the complainant – Pushpa Pusty and because of that enmity, the false FIR has been lodged making totally false allegation against the applicant. The FIR is delayed. Therefore, it is prayed that the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are serious allegations against the applicant No.2 regarding blackmailing the victim of the case, therefore, the applicant No.2 is not entitled for grant of bail.
5. Counsel for the objector opposes the bail application and the submission made in this respect. It is submitted that the case against the applicant No.2 is also of much gravity as he is the person, who has taken obscene photographs and by making use of those photographs, he blackmailed and extorted the victim in this case on number of occasions. Therefore, the applicant No.2 is not entitled for grant of bail.
6. Complainant – Pushpa Pusty is present before this Court through the Help Desk of District Legal Services Authority at Mahasamund, she

has seriously opposed the application and submitted that after she learnt the incident from the victim, she approached Police Station – Basna on 28.06.2020, but her FIR was not lodged. The complainant then met with Superintendent of Police, Mahasamund on 02.07.2020 and then again visited Police Station – Basna on 04.07.2020, then the Station House Officer tortured the victim alleging that he is making false allegation. Subsequent to which, she had to visit Director General of Police at Raipur and then her FIR was lodged. It is stated that the applicant No.2 has played an active role, therefore, he has no entitlement for grant of bail.

7. I have heard the learned counsel for both the parties and perused the case diary.
8. According to the prosecution case, FIR has been lodged by Pushpa Pusty that her son, the victim aged about 12 years was sexually exploited by the co-accused Yamuna Gupta and this act was photographed by her. She has alleged that co-accused Yamuna Gupta made display of photographs before the victim and asked him to pay extortion money. It is on her instance in total amount of Rs.42,000/- was paid by the victim to the applicant No.1 and some amount was collected by applicant No.2– Bajrang Gupta. Similar statements have been given by other witnesses.
9. Considered on the submissions made on behalf of both the parties. Considering the facts of the case and the evidence present against the applicant No.2, this Court is of the opinion that present is a fit case, in which, the applicant No.2 should be enlarged on regular bail.

10. Accordingly, the bail application in respect of the applicant No.2 filed under Section 439 of the Cr.P.C. is allowed.
11. It is directed that applicant No.2 shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram