

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6928 of 2020

Shashank Nag, S/o Shri Radhe Nag, Aged About 23 Years, R/o Tikrapara, Dhimar Mohalla, Police Station- Tikrapara, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- Police Station- City Kotwali, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/11/2020

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 applicant, who has been arrested in connection with Crime No. 224/2020, registered at Police Station- City Kotwali, District- Raipur (C.G.) for the offence punishable under Section 376 of IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 & Section 67 of the I.T. Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 03.09.2020 and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix has lodged totally false FIR against the applicant making false allegation against him. If it is to be believed that the incident has taken place in the year 2017 then, the FIR is

delayed by 3 years. Age of the prosecutrix at the time of lodging FIR was 20 years. The allegation regarding preparing video clips of physical relation, is also false as no such video clips was found and recovered at the time of investigation by the police. The investigation is completed and charge-sheet has been filed. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that according to the FIR lodged, when the incident took place, the prosecutrix was minor of age below 18 years and further she has clearly given statement before police and the magistrate, regarding physical relation with the applicant and also about video clips prepared by him. Therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant exploited the prosecutrix on pretext of marrying her in the year 2017, when she had not attained majority and this continued for sometime. The prosecutrix has alleged that the applicant used to prepare video clips of physical relation and on that basis, he used to threat the prosecutrix on number of occasions. One video clip was sent to brother-in-law of the prosecutrix, subsequent to which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case. As it is clear that no such video clip has been seized in the investigation and the allegations of the prosecutrix need detail

examination in the trial and during pendency of such trial, there is no necessity of continued detention of the applicant, therefore, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant 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

Arun