

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7000 of 2020

Lovely Verma, S/o. Jaylal Verma, aged about 20 years, R/o. Village – Sambalpur, Police Station – Nandghat, District – Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station – Torwa, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

And

M.CR.C. No. 7478 of 2020

Lovely Verma, S/o. Jaylal Verma, aged about 20 years, R/o. Village – Sambalpur, Police Station – Nandghat, District – Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station – Sirgitti, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Kapil Maini, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/11/2020

1. Both the bail applications are heard and decided together by this common order as the applicant in both the bail applications are one

and same.

2. These are the first bail applications 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.181/2020, registered at Police Station – Torwa, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code and in connection with Crime No.252/2020, registered at Police Station – Sirgitti, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 3 (A) (C), 4, 14 (4) of Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by the learned counsel for the applicant in both the cases that the applicant has been falsely implicated in this case. The applicant is a transgender and it is the applicant who has been exploited by the said victims. No case of abetment to commit suicide is made out against the applicant. Similarly, there is no evidence that this applicant made obscene video and made it viral in the social media for which the another crime number has been registered against him. Hence, 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 the applicant used to invite the victims to indulge in physical relation with him and used to prepare video and make use of the same for unlawful purposes. In Crime No.181/2020, the applicant made video of the victim Prakash Yadav having physical relation with him and made it viral in the social media because of which the victim committed suicide. In another Crime No.252/2020, the applicant has

prepared the video of his relation with the victim Raunak Hinduja, a minor, with intention to make use of the same for illegal purpose. Recovery of mobile phone of the applicant has content of such video, therefore, he is not entitled for grant of bail. Therefore, it is prayed that the application be rejected.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case in Crime No.181/2020 is this that the deceased Prakash Yadav engaged in unnatural physical relation with this applicant regarding which obscene photographs and videos were prepared. The allegation against this applicant is this that he made this photographs and video viral because of which the victim felt embarrassed, ashamed and frustrated and thus he committed suicide.
7. In Crime No.252/2020, it is alleged that this applicant enticed the minor Raunak Hinduja and then established physical relation with him. Video of the act was made for the purpose of ulterior motive.
8. Considered on the submissions and the facts of the case. The charge-sheet has been filed in both the cases and the case is pending for trial, therefore, looking to the present situation and finding that there is no requirement to keep the applicant in continuous detention, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.

10. 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

Balram