

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7476 of 2020**

- Vijay Sonwani S/o Ganga Ram Sonwani Aged About 35 Years Occupation Service, Police Department, Post Constable, Presently Posted At-Station House Balrampur, Permanent Address Seregdaag, Thana Kusmi, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Pasta, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hariom Rai, Advocate along with Mr. Sachin Nidhi, Advocate.
For State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****10/12/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.66/2020 registered at Police Station- Pasta, District- Balrampur-Ramanujganj, C.G. for the alleged commission of offence under Sections 376(2)(n) & 323 of IPC.
2. Prosecution case is that the applicant entered into relationship with the prosecutrix and in the month of March, 2018 applicant had mixed intoxicating substance in the beverage which was consumed by the prosecutrix and in that state of intoxication, prosecutrix was subjected to rape, video was prepared and then it is alleged that the applicant kept on blackmailing the prosecutrix that if she opposes exploitation, the video etc. would be disclosed. In this manner, applicant kept on exploiting the prosecutrix. In July, 2019 also, she was subjected to assault, report was lodged, matter was compromised and the prosecutrix has been living with the applicant. Applicant had given her assurance of contacting marriage soon but it did not happen. Prosecutrix became pregnant and delivered a child and at present, the applicant is denying his obligation towards the prosecutrix and the child, therefore, report

has to be lodged.

3. Learned counsel for the applicant submits that the prosecution story that the applicant had mixed some intoxicating substance in the month of March, 2018 and committed rape on the prosecutrix, is not supported by any material evidence collected by the prosecution and filed along with the charge sheet. He would next submit that the police has not seized any video clip or photograph in support of the prosecution case that the applicant had prepared any obscene video clip or photograph of the prosecutrix and on that basis, he was blackmailing. The applicant and the prosecutrix have been in live in relationship since March, 2018 and that some dispute arisen after birth of a child, the prosecutrix has approached the police station making false allegation.
4. On the other hand, learned State Counsel opposes and submits that as per the material contained in the case diary and in the prosecutrix statement under Section 164 Cr.P.C., clearly makes out a case that whatever sexual relations were developed and that the applicant and the prosecutrix have been living together since March, 2018, were not with free consent but based on certain blackmailing practices of the applicant and the applicant, time and again, harass the prosecutrix and even after the child is born, now, the applicant started denying his relationship and even not marrying the prosecutrix.
5. On *prima facie* consideration, the applicant and the prosecutrix are in long relationship since March, 2018. There is no material contained in the charge sheet to support the allegation of applicant having prepared any objectionable obscene video clip or photograph of the prosecutrix. No such material has been seized from the possession of the applicant. Further, the allegation of the prosecutrix regarding commission of offence of rape has been made when the prosecutrix herself is a married lady, who deserted her husband and residing separately and she was also knowing that the applicant is also a married person and the FIR itself shows that the report was lodged after applicant denying discharging of the obligation towards the prosecutrix and the child, which is allegedly born out of the relationship between the applicant and the prosecutrix. Therefore, in such circumstances, when investigation is complete and charge sheet has been filed, at this stage, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is 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 of the like amount to the satisfaction of the Trial Court on the condition that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi