

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3239 of 2021**

1. Kushal Sarthi, S/o Sadanand Sarthi, Aged About 20 Years, R/o Village Bhatpur, Thana Kotra Road, District-Raigarh, Chhattisgarh.

---- Applicant**Versus**

1. State of Chhattisgarh Through The Police Station Chhal, District-Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.
For Objector	: Mr. Faizal Akhtar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.41/2021 registered at Police-Station-Chhal, District-Raigarh(C.G.) for the offence punishable under Sections 363, 366, 354, 368 & 376 of IPC and Section 6, 12 of POCSO Act and Section 67(A) of Information Technology Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The FIR lodged is delayed by 30 days. The prosecutrix was not minor on the date of

incident and the statement of prosecutrix under Section 164 CrPC is in favor of this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has not only raped the minor prosecutrix by putting her under threat for making her nude photographs viral on Facebook, he has also continuously threatened her and her father subsequently. Therefore, the offence committed is of grave nature, hence, the application be rejected.
4. Learned counsel for the objector adopts the arguments advanced by the learned State counsel and submits, that the applicant has continuously harassed the prosecutrix and her father by using the Facebook media, which has resulted untimely death of her father. Hence, looking to the consequences that has occurred on account of the activity of this applicant, this applicant should not be granted bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the applicant allured the minor prosecutrix with promise to marry her, then abducted her and took her to his own house. The father of the minor prosecutrix brought the prosecutrix back. Subsequent to which, the applicant continuously threatened and harassed the prosecutrix and her father saying, that he will make the obscene photographs of the prosecutrix viral. Subsequent to which, photographs was made viral, hence, the FIR has been lodged.

7. Considered on the submissions. It does not appear that statement of prosecutrix under Section 164 CrPC favors the applicant in any manner. It is clearly against this applicant and looking to other circumstances present, I do not feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha