

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4855 of 2021

- Hiramani Baghel S/o Shri Tejram Baghel, Aged About 21 Years, R/o Village Santra, P. S. Patan, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Patan, District Durg Chhattisgarh

----Non-applicant

For Applicant – Shri Ishan Verma, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Shri Tridib Bhattacharya, Advocate for the complainant/objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 21-01-2021 in connection with Crime No.09/2021 registered at P.S. - Patan, District Durg, Chhattisgarh for the offence under Section 376 (2)(n), 450, 506 & 509 (B) of the IPC and Section 4 and 6 of POCSO Act, 2012, & Section 66(E) of IT Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 21-01-2021. Charge sheet has been filed. The allegation made by the prosecutrix is totally false. She had been a consenting party and and she was of age above 18 years, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement of the prosecutrix under Section 164 of the Cr.P.C. alleging that this applicant by harassing and blackmailing on the strength of some photographs, has raped the prosecutrix. Therefore, the

application may be rejected.

4. Learned counsel for the complainant has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the prosecutrix was acquainted with this applicant since about two years. The applicant had in his possession some personal photographs of the minor prosecutrix. The applicant made use of those photographs to threaten the prosecutrix that he will make the photographs viral and then by threatening and terrorizing her he committed offence of rape with her, regarding which the FIR has been lodged.

7. Considered on the submissions and after considering on the diary statement of the prosecutrix and also the statement of no objection made by the complainant side, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge