

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4968 of 2021

- Parmeshwar @ Puran S/o Shri Kirit Ram Choudhary, Aged About 25 Years, By Caste - Aghariya, R/o Village - Palsapali, Police Station - Basna, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through, Station House Officer, Police Station - Basna, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Mr. Sunil Sahu, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Mr. Ajit Singh, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

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 26-03-2021 in connection with Crime No.402/2020 registered at P.S. - Basna, District - Mahasamund, Chhattisgarh for the offence under Section 376 (2) (n), 323, 506 of the IPC and Section 04, 06 of Protection of Children from Sexual Offences Act, 2012 and Section 66-E, 67-B of Information & Technology Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 26-03-2021. The whole story of the prosecution against this applicant is cooked up and totally false. As it is alleged that the applicant was sexually exploiting the minor prosecutrix since two years, the lodging of the FIR after completion of two years itself shows that the case is false. The allegation that the applicant had taken obscene photographs of the prosecutrix and made them viral in social media is false. The mobile number from which the photographs and videos of the prosecutrix were made viral did

not belong to the applicant. The prosecution has recorded statement of witness who was owner of that SIM number who has stated that the SIM was used by his wife and the same was lost, regarding which no enquiry has been made. Hence, there is no connection of the applicant with the incident of making the obscene photos and videos of the prosecutrix and making them viral. The applicant has no connection with the offence committed. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the contents in the written complaint, the FIR and the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. are very clear and categorical against the applicant, therefore, this applicant is not entitled for grant of bail.

4. Shri Ajit Singh, learned counsel appearing for the complainant/objector heavily opposes the application for grant of bail to the applicant submitting that it is a case of continue and long sexual harassment of the minor prosecutrix by the applicant, therefore, he is not entitled for grant of bail.

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

6. The prosecutrix has lodged the FIR stating that since the year 2017-2018 the applicant had been stalking her, who had without her consent taken some photographs. Subsequent to which, the applicant by threatening the minor prosecutrix that he will make her photographs viral in social media forcibly raped her on the first occasion. It was during this incident the applicant made video recording of the incident, the applicant again continued threatening the minor prosecutrix to make the video viral and threatening her in this manner he continued sexually exploiting the minor prosecutrix. On one occasion the applicant by putting the prosecutrix under threat took her to a hotel in Raipur and forcibly raped her, which was again videographed by him. Then, the minor prosecutrix stopped meeting the applicant, then he made her

photos and video viral on whatsapp group.

7. Considered on the submissions. The submission that the applicant was not the owner of the mobile number is a defence to be established in trial, that alone is not the allegation against the applicant, all the other allegations regarding sexually exploitation of the minor prosecutrix for a continued period of two years is supported with the statement of the prosecutrix. Therefore, I am of this view that it is not a fit case for grant of bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge