

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5532 of 2021

- Ishwar Dhiwar, S/o Shri Jethu Dhiwar, Aged About 22 Years, R/o Village- Tekari, Tahsil and District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Out Post- Mohara, Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Samir Singh, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

Heard.

- 1) The First bail application of the applicant was rejected by this Court vide order dated 18.02.2021 in MCRC No. 297/2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 14.10.2020 in connection with Crime No.457/2020 registered through Out Post- Mohra, Police Station- Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 376, 509 of IPC and Section 64-A of IT Act.
- 3) Case of the prosecution is that the prosecutrix lodged a report that few days before lodging of the FIR on 12.10.2020, the applicant was making phone calls to her and by threatening to kill her family members, compelled her to send her obscene photographs to him, on which, she sent her photographs to the

applicant and thereafter, on the basis of that photographs he blackmailed and committed rape on her and thereafter make the photographs viral on whatsapp of the family members of the prosecutrix. Based on this, an offence has been registered against the applicant and he was arrested.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the prosecutrix has examined before trial Court and she has not supported the prosecution case (Annexure A/2), the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 14.10.2020 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicant, looking to the statement of the prosecutrix, statements of the witnesses, it can not be appreciated at this stage, without commenting anything on merits of the case, the application filed on behalf of the applicant is rejected.

Sd/-
(Gautam Chourdiya)
Judge