

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6179 of 2021**

- Akash Chhabda, S/o Manoj Chhabda, Aged About 21 Years, R/o R.D.A. Colony, H.No. 100, Police-Station D.D.Nagar, Raipur Chhattisgarh (Details Has Not Mentioned In The Order in the order of the Learned Court below), District : Raipur, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, P.S. Azad Chowk, Raipur, District-Raipur Chhattisgarh.

**---- Respondent**

---

For Applicant : Mr. C.R. Sahu, Advocate.

For State/respondent : Mr. Samir Oraon, Govt. Advocate.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**20/09/2021**

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.77/2021 registered at Police-Station-Azad Chowk, Raipur, District-Raipur, Chhattisgarh for the offence punishable under Sections 363, 366, 354, 376, 509, 509-B, 294, 323, 427, 120-B of IPC and Section 4 & 8 of POCSO Act, 2012 and Section 67 of Information Technology Act, 2000.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 09.05.2021. Charge-sheet has been filed. The applicant has not

committed any offence. All the allegations against him are totally false. Similarly placed co-accused Palash Tiwari and Vridhi Sahi @ Vridhi Manwani have been granted bail by this Court vide order dated 28.07.2021 in MCRC Nos. 4182/2021 & 4842/2021. Therefore, it is prayed that the applicant may also 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 there is clear evidence present against this applicant regarding outraging the modesty of minor victim and also helping the other co-accused persons in preparing obscene video, therefore, the application be rejected.
4. Notice issued to the complainant has been returned served for today but there is no appearance and no representation.
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 minor victim/prosecutrix had been in a party, where she was slapped and a quarrel had taken place, in which, she was again beaten by co-accused Vridhi Sahu. On the date of incident, the victim was enticed by co-accused Vridhi Sahu to come to a place in Mahadevghat, where Vridhi Sahu disrobed the minor victim with the help of this applicant and other co-accused and subsequent to which a video was also prepared of this incident. There is further allegation, that the minor victim raped by another co-accused later on in continuity of that incident.
7. Considered on the submissions. The case of this applicant appears to be similar to the case of Vridhi Sahu, who has already been granted

bail, therefore, I feel inclined to allow the bail application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge

Nisha