

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7637 of 2020**

- Umesh Kumar Padhi S/o Mr. Panchann Padhi, Aged 68 Years, R/o Plot No. 07 C-2, Shriram Tawar, Vyapar Vihar Road, Bilaspur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, District Bilaspur Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Abhishek Sinha, Advocate
Mr. Ayaz Naved, Government
Advocate

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****8/1/2021**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.23/2020 registered at Police Station Mahila Thana, District Bilaspur for the offence punishable under Section 376 of the IPC.
3. The applicant, a retired Public Servant, aged about 68 years, has allegedly committed forcible sexual intercourse with the

prosecutrix, aged about 22 years. As per the written complaint lodged on 8.9.2020, the applicant used to call the prosecutrix to his house for providing physiotherapy services to his mother. During such visits, the applicant used to offer refreshment to the prosecutrix. In July 2017, the prosecutrix fell unconscious after having tea and refreshment in the house of the applicant and later on, found herself to be in naked position. When the prosecutrix wanted to ascertain as to why she is in such position, the applicant sought pardon and undertook not to commit such act in future. However, thereafter, the applicant used to sexually exploit the prosecutrix on threat that the video of their first intercourse shall be made viral in the Internet.

4. Learned counsel for the applicant submits that the alleged video film has not been recovered. The FIR is delayed and has been lodged to extract money from the applicant, who used to extend loan to the prosecutrix for prosecuting her studies but as soon as the applicant refused to continue the financial assistance, the report has been lodged.
5. Learned counsel for the State would oppose the bail application.
6. Considering that after the first intercourse happened in July 2017, there is no specific date or month of any future intercourse; the FIR has been lodged after more than 3 years i.e. on 8.9.2020 as also for the fact that applicant is aged about 68 years and is in jail since 9.9.2020 and; the charge sheet has

already been filed, this Court is inclined to release the applicant on regular bail.

7. Accordingly, the bail application is allowed and the applicant is are directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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