

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8394 of 2020

- Manoj Patel S/o Ahibaran Patel, Aged About 32 Years, Occupation Agriculture R/o Village Timarlaga Police Station and Tahsil Sarangarh Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, District Magistrate Raigarh through the Station House Officer Police Station Sarangarh, Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-02-2021

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 05-09-2020 in connection with Crime No.606/2020 registered at Police Station – Sarangarh, District Raigarh, Chhattisgarh for the offence under Section 305, 34 of the IPC and Section 67, 67(b) I.T. Act and under Section 17 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that there is no direct allegation against this applicant regarding threatening the minor victim or regarding giving any abetment to her for commission of suicide. The mobile that has been seized from this applicant belonged to co-accused Yuvraj. Further, it was the co-accused Yuvraj who had threatened that he had in his possession the obscene material with respect to the minor deceased. Hence, there is no case against this applicant. Therefore, it is prayed that he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the FSL report received, the contents of the

mobile that was seized from this applicant included obscene material, however, there is a report that the contents was not made viral. Further, there is clear statement of the complainant that this applicant was present and had actively participated in the incident when the father of the minor victim was threatened stating that his daughter, the minor deceased is a characterless person and she shall be defamed. Therefore, no case is made out for grant of bail to this applicant.

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

5. The case of prosecution is this, that on 03-09-2020 co-accused Yuvraj and this applicant both came to the house of the minor deceased and made disclosure that they have in their possession obscene videos of the minor deceased and they will make the same viral. The deceased set herself ablaze on 04-09-2020 as a result of which she died. Hence, this case.

6. Considered on the submissions. The deceased had left suicide note, but there is no mention of name of this applicant and further, the complainant of this case has been examined in the trial who is a hostile witness, regarding which certified copy of her statement has been produced along with this application. Hence, under these circumstances, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge