

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 297 of 2021

- Ishwar Dhiwar S/o Shri Jethu Dhiwar Aged About 22 Years R/o Village- Tekari, Tahsil And District- Raipur (Chhattisgarh) Revenue And Civil District Raipur (C.G.), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowky Mohara, P.S. Dongargarh, District- Rajnandgaon (C.G.) Revenue And Civil District Rajnandgaon (C.G.), District : Rajnandgaon, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Anand Prakash Sharma, Advocate
For Non-Applicant/State	: Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 13.10.2020 in connection with Crime No.457/2020, registered at Police Station- Police Chowky Mohara, Dongargarh(C.G.) for the offence punishable under Sections 376, 509 of the IPC and Section 67-A of the Information Technology Act.
2. 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.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the prosecutrix is aged about 19 years and she was a consenting party. He submits that yet charge sheet has not been filed and no offence is made out against the applicant under the above mentioned offences, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties and looking to the nature of allegations against the applicant, the fact that firstly, the applicant obtained obscene photographs of the prosecutrix by threatening to kill her family members and thereafter on the basis of those photographs blackmailed and committed rape on her and make the photographs viral on whatsapp of the family members of the prosecutrix; and there was no previous affair between the applicant and the prosecutrix, I am not inclined to grant bail to the applicant.
6. Accordingly, the bail application is dismissed.

Sd/
(Gautam Chourdiya)
Judge