

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 12112/2022

Deepak Meena S/o Chhitarmal Meena, Aged About 21 Years, R/o Village Kishori Chokidaorn Ki Dhani, P.s. Thanagazi, District Alwar (Rajasthan). (Presently Confined In Jail At Alwar)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s) : Mr. Rajneesh Gupta

For State : Mr. Sher Singh Mehla, PP

For Complainant : Mr. Siya Ram Sharma

HON'BLE MR. JUSTICE SAMEER JAIN

Order

31/08/2022

1. The instant bail application has been filed under Section 439 Cr.P.C. on behalf of accused-applicant. The accused-applicant was arrested in connection with FIR No.171/2022 registered at Police Station Thanagazi District Alwar for the offence(s) under Sections 376, 457, 506, 509 of IPC & 66-E of I.T. Act.
2. Learned counsel for the accused-applicant submitted that prosecutrix is major lady. FIR was filed after a delay of about one year. Alleged incident occurred in November 2021. The prosecutrix and accused-applicant were in close relationship. They had regular long chats and calls with each other, which is apparent from document submitted during the course of the argument.
3. *Per contra*, learned Public Prosecutor and learned counsel for complainant have opposed the bail application. Learned counsel for the complainant has submitted that the FIR is

extremely clear about the fact that the physical relations between the accused-applicant and the victim were under duress and not with consent. The victim was raped by threat of force. Obscene videos and photos of the victim were released online by the accused-applicant. The accused-applicant even threatened the fiance of the victim, as a result of which the marriage of victim which was fixed was also broken. He further submitted that as per statements of the accused-applicant, he was in a relationship with the victim from last 3-4 years which mean that victim was a minor when the so called relationship began.

4. Learned counsel for the accused-applicant submitted that offence alleged pertains to the period of November 2021 and at that time, admittedly, the prosecutrix was a major.

5. Heard the arguments advanced by both sides and scanned the record.

6. Considering the arguments advanced by both the sides, considering the victim's statements recorded under Section 164 Cr.P.C. and considering the fact that obscene photos/videos of the victim were released online, looking to the gravity of the offence and the overall facts and circumstances of the case, but without commenting on merits/demerits of the case, this court does not deem it appropriate to grant bail to the accused-applicant.

7. Accordingly, the bail application is dismissed.

(SAMEER JAIN),J