

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 47 of 2023

Kanchan Raj

...Applicant

Versus

State of Uttarakhand and others

...Respondents

Present:-

Mr. Mohd. Alim Khan, Advocate for the applicant is
appearing through video conferencing.
Mr. Ranjan Ghildiyal, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in FIR No. 384 of 2022, under Section 389 IPC, Police Station Ranipur, District Haridwar.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant and the informant came close to each other. They were making video calls. Some video calls were in nude positions. But, according to the FIR, the applicant saved the video calls and started blackmailing, and extorted money.

4. Learned counsel for the applicant would submit that, in fact, it is the informant, who has sexually exploited the applicant and raped her on multiple occasions. He

stayed with the applicant for a long. He spent money on household articles. The applicant never extorted any money. The applicant lodged an FIR under Section 376 IPC against the informant of the case at Mumbai and charge sheet has been filed under Section 376 (2) (n) IPC and Section 67 of the Information Technology Act, 2000. Learned counsel would also submit that it is the informant who circulated the intimate videos to the student of the school, where the children of the applicant were studying.

5. Learned State counsel admits that the FIR under Section 376 IPC was lodged earlier by the applicant against the informant of the case. The informant is in custody and facing trial in Mumbai. It is submitted that the informant told it to the Investigating Officer that he gave Rs.25 Lakh to the applicant.

6. Having considered the entirety of facts, this Court is of the view that this is a case fit for anticipatory bail.

7. The anticipatory bail application is allowed.

8. In the eventuality of arrest, the applicant shall be enlarged on anticipatory bail subject to her furnishing a personal bond with two sureties, each in the like amount, to

the satisfaction of the Investigating Officer. In addition to it, the applicant shall also comply with the following conditions:

- (i) The applicant shall co-operate with the investigation.
- (ii) The applicant shall not approach any witness/victim in any manner, whatsoever.
- (iii) The applicant shall not leave the country without prior permission of the concerned court.
- (iv) The applicant shall deposit her passport with the IO. The passport may only be returned by the order of the court concerned. In case the applicant does not have passport, she shall give an undertaking to that effect to the IO.
- (v) The applicant shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J.)
12.04.2023