

VERDICTUM.IN

ITEM NO.1

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s).7743/2021

(Arising out of impugned final judgment and order dated 19-01-2021 in CRLMN No.27203/2020 passed by the High Court Of Judicature At Patna)

SUKHDEO MANDAL

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(IA No.130643/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.130646/2021 - EXEMPTION FROM FILING O.T.)

Date : 14-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Rakesh Uttamchandra Upadhyay, AOR

For Respondent(s) Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner seeks anticipatory bail in FIR No.1/2020 registered at Police Station Mahila at Gaya under Section 354(D), 420, 376 and 509 of the Indian Penal Code, 1860. The allegations are that the petitioner intoxicated the prosecutrix and took her nude photographs. Thereafter, he started blackmailing her and extorted Rs.4,50,000/- besides sexually assaulting her several times. The petitioner has allegedly threatened the prosecutrix that he will make her nude photographs viral on the social media.

2. The petitioner filed an anticipatory bail application before the District and Sessions Judge, Gaya claiming that the parties

VERDICTUM.IN

have reached a compromise and a joint compromise petition filed before the Trial Court was pending consideration. Regardless thereto, the Sessions Court as well as the High Court declined him pre-arrest bail.

3. Same plea was taken before this Court and vide order dated 22.10.2021, the petitioner was protected against arrest with a direction to join the investigation and cooperate with the same.

4. Meanwhile, the prosecutrix sent a letter to the Registry informing that the alleged compromise deed is a forged document and she reiterated the allegations made against the petitioner.

5. With a view to *prima facie* ascertain the stand of the prosecutrix, the petitioner was directed to deposit litigation expenses and a notice was issued to her. She was duly informed that a sum of Rs.30,000/- was deposited with the Registry towards litigation expenses. However, as per the office report, the prosecutrix has been duly served, but she has not entered appearance.

6. Be that as it may, there is a serious doubt with regard to the genuineness of the alleged compromise deed, the same is accordingly outrightly rejected. However, keeping in view the fact that the petitioner has joined the investigation, which is now complete and charge-sheet has already been filed, the interim protection granted on 22.10.2021 is made absolute, subject to the condition that the petitioner shall continue to appear before the Trial Court on each and every date of hearing and in case he absents from appearing, it will be taken as a misuse of the concession of bail. In that event, the State of Bihar as well as the prosecutrix will be at liberty to

VERDICTUM.IN

seek cancellation of the pre-arrest bail.

7. The Registry is directed to transfer the amount of Rs.30,000/-, deposited by the petitioner, to the Trial Court for onward payment to the prosecutrix to enable her to seek assistance of private counsel in terms of Section 24(8) of the Code of Criminal Procedure, 1973.

8 The special leave petition is disposed of in above terms.

9. All pending applications stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)