

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1258 of 2018**

Vikky Singh, S/o. Shri Man Singh, Aged About 32 Years, R/o. Sector- 6,
Police Line- Bhilai, District- Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-
Mohan Nagar, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/10/2018**

1. Apprehending arrest in connection with Crime No.374/2018, registered at Police Station – Mohan Nagar, Durg, District – Durg (C.G.) for offence punishable under Section 342, 376 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. As alleged the date of incident is 06.07.2018, whereas the FIR has been lodged on 17.09.2018 in Police Station – Ratanpur after sufficient delay of about 9 days. According to the facts of this case, the prosecutrix herself had been to Durg on the invitation given by the applicant and has stayed willingly for about 2-3 days and came back of her own and thereafter has lodged FIR after due deliberation and

concoction. Hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the FIR lodged, the complainant/prosecutrix has made clear allegation against the applicant about keeping her in confinement in Durg and that he forcefully committed the offence of rape with her. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the FIR lodged, the prosecutrix got acquainted with the applicant through facebook and when she had been to Raipur for her personal work, applicant invited her to Durg. The applicant asked her to stay in a hotel where he was already present and then the applicant confined the complainant and committed the offence of rape on that day and on another date at another place. Subsequently, the prosecutrix came out of confinement and she came back and lodged FIR
6. Considered the submissions made and the contents of the case diary. Although there is a delay, which may be ground of defence, but at this stage, it can not be said that no case is made out against the applicant. Hence for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram