

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7493 of 2020

- Vishal Kumar Singh S/o Shri Mritunjay Singh Aged About 23 Years R/o Shivanand Nagar, Khamtarai, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, S.H.O Khamtarai, District Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 13.09.2020, in connection with Crime No.421/2020, registered at Police Station- Khamtarai, District- Raipur, C.G. for offence punishable under Sections 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The prosecutrix has made totally false allegations against the applicant. On the date, the F.I.R. has been lodged i.e. on 12.09.2020, the age of prosecutrix was more than 18 years, she has made vague allegations against the applicant regarding her relationship with him of 05 years, prior to the date of lodging F.I.R. regarding which there are no detailed specifications. The statement of the prosecutrix under Section 164 of Cr.P.C. further

discloses that she felt aggrieved because the applicant disrupted the negotiations that were going on for her marriage. Hence, the case against the applicant is concocted, therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the F.I.R. and the diary statement of the prosecutrix very clearly mentions that on the date of the first incident of rape, her age has been 13 years, which continued on numerous occasions and when the prosecutrix became major, the applicant refused to marry her. Hence, no case is made out for grant of bail to the applicant.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A., Raipur, she has stated that she had no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that when the prosecutrix was a school going student and of age 13 years, the applicant abducted her and then committed the offence of rape with her. This continued in similar fashion on numerous occasions, then the F.I.R. has been lodged on 12.09.2020, after the prosecutrix had attained majority.
7. Considered on the submissions, it appears that the prosecutrix has mentioned the contradictory reasons for lodging F.I.R. against the applicant. The statement made by the learned counsel for the applicant also needs consideration that vague allegations have been made against the applicant regarding relationship of about 05 years prior to the date of lodging F.I.R. Further, there is a statement of no objection made by the prosecutrix herself. Hence, under these

circumstances, I am of this view that for the present, the applicant should be granted regular bail to the applicant.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika