

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

MCRC No. 835 of 2021

Vishwanath Nagvanshi S/o Bhikhau Ram, Aged About 24
 years R/o. Village Khandadorna, Police Station Sitapur,
 District Surguja (CG)

...Applicant

Versus

- State of Chhattisgarh through the Station House Officer,
 Police Station Sitapur, District Surguja CG

...Non-applicant

 For Applicant : Mr. Sumit Singh Rathor, Adv.
 For respondent/State : Mr. Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

29-7-2021

1. This is first bail application filed under Section 439 of the Criminal Procedure Code, 1973 for grant of regular bail to the applicant, who has been arrested on 5-1-2021 in connection with Crime No. 207/2020 registered at Police Station Sitapur, Distt. Surguja (C.G.), for the offence punishable under Sections 363, 366, 376 (2)(b) of the Indian Penal Code and Section 5(b)/6 of the Protection of Children from Sexual Offences Act, 2012.

2. The notice issued by this Court to the prosecutrix/victim has been returned after service upon her father, but neither the prosecutrix nor her representative appeared before this Court.

3. Case of the prosecution, in brief, is that on the date of incident, the minor prosecutrix was abducted by the applicant with support of co-accused, thereafter he took her to village Guturma, then Raigarh, then Puna. The applicant kept her with him from 7-11-2020 to 18-12-2020 and committed rape with her.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is innocent. He is in jail since 5-1-2021. Co-accused of this case has been

granted bail by coordinate bench of this Court vide order dated 11-2-2021 passed in M.C.R.C. No. 885/2021. He further submits that the applicant is permanent resident of village Khandadorna, P.S. Sitapur, Distt. Sarguja. Investigation and trial are likely to take a long time. The applicant is a 24 years' young boy. Hence, it is prayed that he may be enlarged on bail.

5. On the contrary, learned State counsel opposes the application for grant of bail and submits that the applicant is the main perpetrator of the crime who has abducted and committed rape with the minor prosecutrix, therefore, he is not entitled to be enlarged on bail and the application is liable to be rejected.

6. Heard learned counsel for the parties and perused the case diary and the material available with the bail petition.

7. A perusal of the case diary statement of victim/prosecutrix and statement recorded under Section 164 of the Cr.P.C. show that when the prosecutrix was going to attend call of nature to Jungle side, the applicant and co-accused abducted her and took her to Guturma. Thereafter, he took her to various places and committed rape with her by threatening her. Co-accused of this case has been granted bail by the coordinate bench looking to his limited participation in the crime, but the applicant is main perpetrator of crime. Looking to the facts and circumstances of the case, I am not inclined to grant bail to the applicant.

8. Consequently, the instant bail application is rejected.

Sd/-

**(NK Chandravanshi)
JUDGE**