

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1774 of 2021**

1. Altaf Khan S/o Shri Firoz Khan Aged About 22 Years R/o Near Rajbandha Press, Rajbandha Maidan, P.S. Maudhapara, District Raipur, Chhattisgarh.
2. Vikas Singh Rajput S/o Shri Santosh Rajput Aged About 22 Years R/o Badhaipara, P.S. Azaad Chowk, District-Raipur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through- P.S. Saraswati Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Devershi Thakur, Advocate.
For Respondent/State	:	Mr. Mateen Siddiqui, D. A. G.
For Complainant	:	None, though notice has been served.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/05/2021**

The matter is heard through video conferencing.

Heard.

Admit.

1. The accused/applicants have moved this **third bail application** under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 198/2019 registered at Police Station - Saraswati Nagar, District - Raipur (C.G.) for the offence punishable under Sections 363, 366, 328, 376 of the IPC and 4 of POCSO Act.
2. The second bail application of the applicants was dismissed by this Court on 27.08.2020 in MCRC No. 3761/2020.
3. As per prosecution case, report was lodged by the father of the prosecutrix that his daughter is missing. It is alleged that on the date of incident, when the prosecutrix was going to school in a van being driven by co-accused Tulsi Chandrakar,

on the way he stopped the vehicle and one of her friend namely Vikram Singh came there, took her in his motorcycle to his aunt's house on the assurance of marrying her. It is further case of the prosecution that Vikram Singh administered some toxic substance to her and thereafter committed rape on her by him and the co-accused persons. Later on, the prosecutrix was recovered from the custody of the applicants.

4. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the main allegation is against the co-accused Vikram Singh @ Veer Singh and there is no role of the present applicants in the crime. He also submits that the applicants are in jail since 12.12.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the main allegation is against the Vikram Singh @ Veer Singh and the applicants are in jail since 12.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Vacation Judge