

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3312 of 2021**

- Nilkaran Tandon @ Chingu S/o Badri Tandon Aged About 21 Years, R/o Village- Ranchirai, Police Station- Ranchirai, District- Balod, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station-Ranchirai, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Adv.
For Respondent/State	:	Ms. Shubha Shrivastava, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/07/2021**

The matter is heard through video conferencing.

1. Pursuant to the order dated 18.06.2021 of this Court, prosecutrix was connected on 09.07.2021 through video conferencing from DLSA, Balod (C.G.). On being asked, she had made her objection regarding grant of bail to the applicant.
2. The accused/applicant has moved this third bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 38/2019 registered at Police Station - Ranchirai, District-Balod (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 5(D)/6 of Protection of Children from Sexual Offences Act.
3. The second bail application of the applicant was dismissed by this Court on 10.08.2020 in MCRC No. 3500/2020.
4. The prosecution story, in brief is that, on 15.06.2019 at 8:30 O'clock complainant/mohter of the prosecutrix lodged a report that by an unknown person abducted her daughter.

After that during investigation, 18.06.2019 prosecutrix has been recovered from the possession of the applicant. Based on this offence has been registered against the present applicant. The applicant has been taken into custody on 19.06.2019.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prosecutrix alongwith family members were examined by the learned trial Court where on their statements having contradiction, omission and improvisation in every stage of case which is not reliable. He also submits that the applicant is in jail since 19.06.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that the applicant did a very heinous crime, therefore, the present applicant may not be released on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**