

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3367 of 2021**

Vinay Singh Rajput S/o- Chandrashekhar Singh Rajput Aged About 27 Years R/o- Lalpur, P.S.- Saja, District- Bemetara, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Anadi Sharma, Advocate.
For Non-Applicant/State:	Ms. Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

31.08.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.29/2021 registered at Police Station Dongargarh, District Rajnandgaon, C.G. for the offence punishable under Sections 376 and 506 IPC.
2. Allegation against the present Applicant is that he used to doubt and threaten the Complainant and committed rape on her. It is alleged that they were in relationship since 2½ years and wanted to marry each other. It is alleged further that when the Complainant started avoiding the Applicant, he threatened her of making her photos public.
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is in jail since 03.02.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 376 and 506 IPC. He submits further that the FIR was lodged against the Applicant after 2 ½ months from the date of incident and therefore, he may be released on bail.
4. On the other hand, learned State Counsel opposed the bail application.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the nature of allegation against the applicant that initially he befriended the prosecutrix through Facebook and started talking with her over phone, however, subsequently he hacked her I.D. by scanning her mobile and started sending fake messages to his friends through her I.D. and thereafter, on the threat of making her objectionable videos viral took her to a lodge in October, 2020 and there subjected her to forcible sexual intercourse, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the bail application is rejected.

Sd/-

Gautam Chourdiya
JUDGE

Priya