

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3494 of 2021**

Vikram Singh Chauhan @ Veer Singh S/o Bramh Dev Aged About 21 Years
R/o Phool Chowk, Near Bajrang Mandir, Police Station Maudahapara,
Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Saraswati Nagar, Raipur
District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Dashrath Kushwaha, Advocate.
For the Respondent/State : Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.198 of 2019, registered at Police Station – Saraswati Nagar, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Section 363, 366, 328/ 34, 34 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.12.2019 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The story of the prosecution is doubtful and also the trial of the applicant is getting delayed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix under Section 164 of the Cr.P.C. is clear and categorical against the applicant and further, she was minor on the date of incident. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served on 16.7.2021 and on that date, there was no appearance or representation from the complainant side.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then after administering some intoxicating substance, in her unconscious condition, committed the offence of rape with her regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement against the applicant in the case-diary, I do not feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge