

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3850 of 2021**

Virendra Nihal, S/o. Late Damodar Nihal, aged about 22 years, R/o. Shivshankar Chowk, Tikrapara, Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Tikrapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shubhank Tiwari, Advocate
For Respondent/State : Mr. Amit Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/07/2021**

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.97/2021, registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Section 456, 376, 506 of the Indian Penal Code and Section 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Family of the applicant and the prosecutrix have previous enmity and dispute between them, because of which, false FIR has been lodged against the applicant. The medical examination report of the prosecutrix also does not support her version. Therefore, the allegation against the applicant is full of doubts. The applicant is in jail since 01.04.2021. Charge-sheet in this case has been filed. Hence, it is prayed that the applicant may be enlarged on regular

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 there is clear evidence present against this applicant regarding commission of offence i.e. house trespass, rape and threatening the minor prosecutrix, therefore, the application be rejected.
4. Prosecutrix/complainant is present virtually before this Court on notice through the Help Desk of this Court and she has strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, on the date and time of incident, this applicant forced his entry at night in the house of prosecutrix and then he forcefully raped her.
7. Considered on the submissions and the facts present in the case. Taking into consideration the statement of objection made by the prosecutrix/complainant and the other circumstances present, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.
9. At the request made by the learned counsel for the applicant, the learned trial Court is directed to expedite the trial and conclude the same as early as possible.

Sd/-
(Rajendra Chandra Singh Samant)
Judge