

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5504 of 2021

1. Chaitram Darve @ Abhay Saxena S/o Punilal Darve, Aged About 26 Years, R/o Ward No. 48, Adarsh Nagar, Khalhepara Mopka P.S. Sarkanda, District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Station House Officer Janjgir, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Naveen Nirala, Advocate.
For Non-Applicant/State	:	Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

15/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 19/12/2020 in connection with Crime No. 531/2020, registered Police Station Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Sections 353, 365, 376, 506, 509(B) of Indian Penal Code.
- 2) Allegation against the present applicant is that on 05/12/2020 he called the prosecutrix for meeting him on the threat that in the event of refusal he would make the obscene video recording of her sister viral. When the prosecutrix came to meet him he took her in a Car to his room at Kharora where he subjected her to forcible sexual intercourse and after beating her left her on the road. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case.

He submits that the applicant is in jail since 19/12/2020, there is no apprehension of his absconding or tampering with the evidence of the prosecution and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) I have heard the learned Counsel appearing for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicant that upon the threat of making the obscene video of sister of the prosecutrix viral, with whom he had allegedly committed rape earlier, he called the prosecutrix and subjected her to forcible sexual intercourse, assaulted her also and fled away after leaving her on the road; the other material available in the case dairy, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant