

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6683 of 2021

- Vipul Vyapari S/o Shri Shrivas Vyapari, Aged About 22 Years, R/o. Village - P.V. 23 Lakhanpur, Thana and Tahsil - Pakhanjur, District - North Baster Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through, Station House Officer, Police Station - Pakhanjur, District - North Baster Kanker Chhattisgarh, District : Kanker, Chhattisgarh

----Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-08-2021 in connection with Crime No.105/2021 registered at P.S. - Pakhanjur, District - North Baster Kanker, Chhattisgarh for the offence under Section 509 (B), 376, 376 (2) (n), 506 of the IPC and Section 67 (B) (D) of Information Technology Act 2000 and Section 04, 06, 08 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 09-08-2021. No case is made out against this applicant according to the statement given the prosecutrix under Section 164 of the Cr.P.C. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was of age below 16 years and further, there is clear evidence present against this applicant regarding commission of offences of abduction, rape, threatening, making indecent gesture and also committing

offence of IT Act. Therefore, the application may be rejected.

4. Notice issued to the complainant has been returned served, but there is no appearance and no representation.

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

6. According to the prosecution case, it is alleged that this applicant had acquaintance with the minor prosecutrix. This applicant took some photographs of the prosecutrix and he was pressurizing the minor prosecutrix to marry with him by threatening her that if she does not marry him he will make the photographs viral on social media. The prosecutrix started avoiding him, then he made the photographs viral. Subsequent to that, the prosecutrix lodged the FIR and she stated that on one occasion she was raped by the applicant. Hence, this case.

7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances that are present, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge