

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8460 of 2021**

- Nikhil Deep S/o Sheru Deep Aged About 26 Years R/o Sweepar Colony, Aamapara, Police Station Azad Chowk, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Panduka, District Gariyaband Chhattisgarh

---- Non-applicant

For Applicant:	Shri P. K. Patel, Advocate.
For State/Non-applicant:	Shri Ashish Gupta, Panel Lawyer.
For Objector/Prosecutrix:	Shri A. D. Kuldeep, Advocate.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**Order On Board****17.12.2021**

1. The Applicant has filed this application under Section 439 of Code of Criminal Procedure for grant of bail as he has been arrested on 13.09.2021 in connection with Crime No.88/2021 registered at Police Station-Panduka, District Gariyaband (C.G.) for the offence punishable under Sections 342, 506, 366, 376(2)(n) of Indian Penal Code.

2. According to the prosecution, a missing report was lodged by the prosecutrix's paternal uncle on 22.07.2021 and during investigation, she was recovered from the house of the Applicant and after recording the statement of the prosecutrix under Section 161 & 164 of Cr.P.C, the aforesaid offence has been registered against the Applicant, while arresting the Applicant on 13.09.2021.

3. Learned Counsel for the Applicant submits that the Applicant has

been falsely implicated in connection with the alleged crime. He contends further that the Applicant has no criminal antecedents, there is no likelihood of the Applicant tampering with the prosecution evidence or absconding. It is contended further that the Applicant is in jail since 13.09.2021 and the trial is likely to take some more time for its disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the said bail application as none of the prosecution witnesses has been examined till date, while Shri A. D. Kuldeep, who is appearing for the prosecutrix, has supported the version of the Applicant.

5. I have heard learned counsel for the parties and perused the entire charge sheet carefully.

6. Having considered the aforesaid contention of the parties and considering further that since none of the prosecution witnesses has been examined till date, I am not inclined to enlarge the Applicant on bail at this stage.

7. Accordingly, the instant M.Cr.C is rejected.

Sd/-

(Sanjay S. Agrawal)
JUDGE