

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2365 OF 2015**

1. Saljeet S/o Ramkeval, aged about 23 years,
2. Ram Singh S/o Shivprasad, aged about 20 years,

Both R/o – Village – Chitma, Police Station – Chalgali, District –
Balrampur-Ramanujganj (C.G.) Civil District Surguja (CG)

---Applicants**Versus**

The State of Chhattisgarh, Through Police Station Rajpur, District-
Balrampur (CG)

---Non-applicant

For Applicants	:	Mr. A.K.Prasad, Advocate.
For-Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

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 applicants who have been arrested in connection with Crime No.243 of 2014, registered at Police Station-Rajpur, Distt.Balrampur (C.G.), for the offence punishable under Sections 450, 376(2)(g) & 506 of the IPC and Section 4 of the Protection of Children From Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 25.11.2014 the applicants have gang raped the prosecutrix aged about 13 years and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicants

have not committed any offence and they have been falsely implicated in crime in question. F.I.R. has been lodged after 17 days of the incident and there is no reasonable explanation of the prosecutrix for such delay. Learned counsel would further submit that the applicants are in custody since 15.12.2014, charge-sheet has already been filed and no custodial interrogation of the applicants is required.

4. On the other hand, learned State counsel opposes the bail application.

5. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and looking to the age of the prosecutrix, who is said to be minor on the date of incident, this Court is not inclined to release the applicant on regular bail.

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

Sd/-
(Sanjay K. Agrawal)
JUDGE