

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3060 of 2015**

Rakesh @ Golu Dakha, aged about 35 years, S/o. Gopal Dakha,
R/o. Village Karvari, Thana Dongargarh, District Rajnandgaon.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Dongargarh,
Rajnandgaon.

---- Non-applicant

For Applicant :	Shri Parag Kotecha, Advocate
For Respondent/State:	Shri Suvigya Awasthi, Panel Lawyer for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/07/2015**

(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 applicant who has been arrested on 04.10.2014 in connection with Crime No.358/2014 ,registered at Police Station Dongargarh, for the offence punishable under Sections 456, 354(A) & 376(D) of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that, applicant and the other co-accused persons committed rape with the prosecutrix and thereby

committed aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that present applicant has been falsely implicated in the case as there is no medical evidence to support the prosecution case. He would further submit that applicant is in jail since 04.10.2014 and therefore, he may be released on bail.

(4) Learned State counsel would oppose the prayer for grant of bail.

(5) I have heard learned counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the facts and circumstances of the case and gravity of offence, material collected by the prosecution and evidence available on record and the age of the prosecutrix, who is said to be minor on the date of offence, this Court is not inclined to release the applicant on regular bail.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-