

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3248 OF 2015**

Durgesh Ekka @ Durge S/o Sahdev Ekka, aged about 24 years, caste Uraon, R/o village Pakargaon (Dumarmuda), Police Station Patthalgaon, District Jashpur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Patthalgaon, District Jashpur (C.G.)

---Non-applicant

For Applicant	:	Ms. Madhunisha Singh, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/07/2015**

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 in connection with Crime No. 187/2014, registered at Police Station Patthalgaon, District Jashpur (C.G.), for the offence punishable under Sections 506(B), 307, 376, 450 of I.P.C. & Section 3 & 4 offence punishable u/s PACSO Act.

2. Case of the prosecution, in brief, is that, applicant is alleged to have assaulted and caused grievous injury which was sufficient to cause death and also committed rape with (minor) prosecutrix on 01/04/2011 and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. She would further submit that there is no grievous injury and there

is no rape committed with the prosecutrix, which is apparent from the statement of the prosecutrix. She would lastly submit that charge sheet has been filed and applicant is in jail since 14/12/2014 therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that in the neck there is grievous injury, which was sufficient to cause death and prosecutrix remained hospitalized for 12 days.

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 further taking into consideration the nature and gravity of offence; injury suffered by the prosecutrix; prosecutrix being minor and manner, in which, she has been allegedly raped by the applicant, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE