

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3231 OF 2015**

Abhishekh Singh @ Mintu S/o Navneet Singh, aged about 19 years, R/o Ward No. 11 Charama, P.S. Charama, Civil & Revenue Distt. Uttar Bastar Kanker (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Charama, Distt. Uttar Bastar Kanker (C.G.).

---Non-applicant

And**M.Cr.C.No. 3232 OF 2015**

Suresh Sonkar S/o Jageshwar Sonkar, aged about 26 years, R/o Banglawpara, Charama, P.S. Charama, Civil & Revenue Distt. Uttar Bastar Kanker (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Charama, Distt. Uttar Bastar Kanker (C.G.).

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/07/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 93/2015 registered at Police Station Charama, Distt. Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 363, 366, 376(g), 343, 346, 506/34 of I.P.C. and Section 4 POCSO Act, 2012, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. The case of the prosecution, in brief, is that, applicants and other

co-accused persons are alleged to have abducted the prosecutrix and committed gang rape with her and thereby committed offence.

3. Learned counsel for the applicants would submit that present applicants have not committed any offence and have been falsely implicated in offence in question. He would further submit that there is no allegation against applicants, namely, Abhishekh Singh @ Mintu and Suresh Sonkar. Learned counsel for the applicants would lastly submit that charge sheet has been filed and applicants are in jail since 04/04/2015, therefore, they are entitled to be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that there is sufficient material against the present applicants to connect them in offence in question and it is case of gang rape of two girls committed by the present applicants.

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 and manner, in which, gang rape is alleged to have committed by the present applicants and other co-accused person, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail applications (M.Cr.C. Nos. 3231/2015 & 3232/2015) filed under Section 439 of the Code of Criminal Procedure are rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE