

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3973 OF 2015**

1. Ramswarup son of Mannu Singh, aged about 60 years, resident of Faheta, Police Station-Pahadi, District Chitrakut (U.P.)
2. Sahasram son of Ram Aasar Mishra, aged about 55 years, resident of Bhadetahu, Police Station Rajapur, District-Chitrakut (U.P.)

---Applicants**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station Azad Chowk, Raipur, District Raipur (C.G.)

---Non-applicant

For Applicants	:	Mr. D.N. Prajapati, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

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.75/2014, registered at Police Station Azad Chowk, Raipur, District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act,2012.
2. Case of the prosecution, in brief, is that, present applicants and three other co-accused persons abducted the minor prosecutrix and co-accused Nagendra committed sexual intercourse with her and thereby committed offence.
3. Learned counsel for the applicants would submit that applicants

have not committed any offence and have been falsely implicated in the offence in question. He would further submit that there is no evidence to connect applicant with offence in question and it is Nagendra, who has committed sexual intercourse with the minor prosecutrix. He would lastly submit that charge sheet has been filed and applicants are in jail since 22/05/2014, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question and the manner, in which, minor prosecutrix abducted and taken to Chitrakut (U.P.) and the fact that co-accused Nagendra committed sexual intercourse with the prosecutrix against her will, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected. However, trial Court concerned is directed to expedite the trial and decide the case as early as possible.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE