

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6076 of 2015

Shiva Singh, S/o. Late Jagdish Singh, Aged About 27 Years, Caste Rautiya, R/o. Village Tetartoli, Police Station & District Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Jashpur, Distt. Jashpur, Chhattisgarh

---- Respondent

For Applicant : Mr. J.K.Saxena, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.247/2015 registered at Police Station- City Kotwali, Jashpur, District Jashpur (C.G.) for the offence punishable under Sections 376, 366, 354, 294, 506, 323 of Indian Penal Code and Section 3(2)(5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that one co-accused Jitendra Ram detained the prosecutrix in the house of another co-accused Ajay Tigga and thereafter committed sexual intercourse with her and while the prosecutrix wanted to go away from the house of Ajay Tigga, it was objected by this applicant and was also threatened.

3. Learned counsel for the applicant submits that the entire allegation is against one Jitendra Ram and only allegation against this applicant is that he had conversation with the other co-accused Jitendra Ram and therefore no role has been played by this applicant for commission of offence, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. After going through the statement of the prosecutrix and considering the fact that the charge sheet is yet to be filed and further considering the role played by this applicant as he objected the prosecutrix when she wanted to go away, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge