

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2244 of 2015

- Raju @ Ramanand Nishad S/o Shri Lakhan Nishad Aged About 25 years Caste- Kenvat, R/O Vil. Nisda, Tah. & P.S- Arang, Civil & Revenue District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: PS- Panduka, Rev. Dist. Gariyaband, Civ. Dist. Raipur, Chhattisgarh

---- Respondent

For Applicant.	Shri Devershi Thakur, Adovocate
For Respondent/State	Shri Siddharth Rathore, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/06/2015

Heard

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.32/2015 registered at Police Station Panduka, Distt. Gariyaband for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code & Sections 4,5 & 6 of POSCO & Section 3(2)(v) & 3(1)(xii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution in brief is that on 6.3.2015 applicant abducted the prosecutrix and committed sexual intercourse with her against

her will and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the crime in question as he has not committed any offence. He further submits that applicant is in jail since 13.03.2015; charge sheet has already been filed against him and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State would submit that applicant is already married person and on the pretext of marriage, he abducted the prosecutrix, who is minor girl, and committed sexual intercourse with her against her will.

(5) Looking to the nature and gravity of the offence; and the manner in which the applicant, who is already married person, is said to have abducted the prosecutrix and committed sexual intercourse with her against her will; and considering the role of the present applicant in the crime in question, I am not inclined to release the applicant on bail and, therefore, the bail application is rejected.

(6) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

JUDGE

PS Name