

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2966 of 2015**

- Niraj Kumar S/o Kailas Sahu Aged About 18 years R/O Village Pandreetrai, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ambagarh, Teh. And District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant:	Shri Vishnu Kosta, Advocate.
For Respondent/State.	Shri Om. P. Sahu, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/06/2015**

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. 118/2015 registered at Police Station Ambagarh Chowki, District Rajnandgaon for the offences punishable under Sections 376, 354 & 450 of the Indian Penal Code, Sections 4 & 8 of Protection of Children from Sexual Offences Act, 2012 & Section 3(1)(xii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that applicant along with two other co-accused persons gang raped the prosecutrix on 13.05.2015 at about 3.00 pm and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in jail since 14.05.2015 and the charge sheet is yet to be filed but the substantial investigation investigation has already been made and, therefore, the applicant may be released on bail.

(3) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard the counsel appearing for the parties and perused the case diary.

(6) Looking to the nature & gravity of the offence and the manner in which the prosecutrix is said to have been gang raped by the applicant and other two co-accused persons, I am not inclined to release the applicant on bail. Therefore, the bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-