

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3260 of 2015

- Heeralal Dewangan S/o Ishwar Dewangan Aged About 27 years
Caste - Panika, R/o Bhandarpara, Basdei, Police Station -
Surajpur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Adim
Jati Kalyan Thana, Surajpur, District Surajpur Chhattisgarh

---- Non-applicant

For Applicant: Shri Rahul Mishra, Advocate.
For Non-Applicant/State: Shri S.R. J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/07/2015

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. 26/2014 registered at Police Station –Adim Jati Kalyan Thana, Surajpur, District Surajpur for the offences punishable under Sections 366, 376(2)(g) of the Indian Penal Code & Section 3(2)(v) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that applicant and other co-accused have alleged committed sexual intercourse with the prosecutrix on 8.11.2014 knowing fully well that she is a member of Scheduled Tribe and, thereby, committed the aforesaid offence.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as there is no evidence on record to connect the applicant with the crime in question. He further submits that applicant is in jail since 19.03.2015; charge sheet has already been filed; and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State submits that it is the applicant, who has committed gang rape with the prosecutrix along with other co-accused persons knowing that she is member of Scheduled Tribe.

(5) Taking into consideration the facts & circumstances of the case; further considering the nature and gravity of the offence and the manner in which applicant along with other co-accused person committed gang rape with the prosecutrix, who is a member of Scheduled Tribe, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

