

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4347 of 2015**

Sanjay Kurre, S/o Pahad Singh Kurre, aged about 24 years, R/o Patel Para, Fulpad, P.S.-Kuakonda, Civil & Rev. Distt. Dantewada (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through: P.S. Kuakonda, Distt. Dantewada (C.G.)

---- Non-applicant

For Applicant: Shri Keshav Dewangan, Advocate.

For Non-Applicant Shri Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**25/08/2015**

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. 2/2015 registered at Police Station Kuakonda, Distt. Dantewada for the offences punishable under Sections 341, 506, 323,376 (Gha) of Indian Penal Code and under Section 3(1)(xii) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

(2) Case of the prosecution is that applicant wrongfully restrained

the prosecutrix, who is member of Scheduled Caste, and taken her to dense forest and where committed forcible sexual intercourse with her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and simply standing the outside place where the rape is alleged to have been committed; and no case of rape is made out against the applicant and, therefore, the applicant is not entitled to be released on bail.

(4) On the other hand, counsel for the State submits that the applicant was protecting two other co-accused persons, who had committed sexual intercourse with the prosecutrix.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicant is alleged to have committed sexual intercourse with the prosecutrix, who is member of Scheduled Caste; 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/-