

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3908 OF 2015**

1. Subhash Chauhan S/o Late Bholaram Chauhan, Aged About 21 years, Cast Chikwa, R/o Village Ludeng Nawapara Police Thana Pathalgaon, Revenue and Civil District Jashpur (C.G.)
2. Abhimanu Banjare S/o Sakru Banjare, Aged About 21 Years, Cast-Banjare, R/o Village Ludeng (Labhlipara), Thana & Tahsil Pathalgaon, Revenue and Civil District Jashpur (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Pathalgaon, District Jashpur (C.G.)

---Non-applicant

For Applicants	:	Mr. Sanjeev Kumar Sahu, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.10/2014, registered at Police Station Pathalgaon, District Jashpur (C.G.), for the offence punishable under Sections 341, 354, 506(II), 376(D), 327/34 of I.P.C. And under Section 5(g) of the Protection of Children from Sexual Offences Act, 2012, and under Section 3(2)(5), 3(1)(12) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that, applicant and one other co-accused are said to have gang raped with the minor prosecutrix on 18/01/2014.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence in question. He would further submit that five prosecution witnesses have been examined and they have not supported the case of the prosecution. He would also submit that no useful purpose would be served by keeping them in jail. He would lastly submit that charge sheet has been filed and applicants are in jail since 19/01/2014, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that investigation officer and other prosecution witnesses are yet to be examined and it is case of gang rape with the minor prosecutrix, therefore, they are not entitled to be released on bail.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; statement of the prosecution witnesses; Investigation Officer and other prosecution witnesses are yet to be examined and taking into account the allegation of gang rape with the minor prosecutrix against the applicants, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected. However, trial Court concerned is directed to expedite the trial and decide the case as early as possible.

8. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE