

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4681 of 2015**

1. Ramgarib Sumer S/o Shri Uttardas, aged about 30 years,
 2. Khemchand Sumer S/o Shri Uttardas, aged about 28 years,
- Both R/o Village Matiyadand, Patel Tola, Police Chowki Kotamikala,
P.S. Pendra, Civil & Revenue District Bilaspur (CG)

---Applicants**Versus**

State of Chhattisgarh, Through its Police Station Incharge, Police
Chowki Kotamikala, P.S. Pendra, Civil & Revenue District Bilkaspur
(CG)

---Non-applicant

For Applicants	:	Mr.Suresh Pandey, Advocate
For-Non-applicant	:	Mr.Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/09/2015**

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.128/2015, registered at Police Chowki-Kotamikala, Police Station-Pendra, District-Bilaspur (CG), for the offence punishable under Sections 363, 376D & 506 of the IPC and Sections 4 & 10 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 26.6.2015 at about 2 a.m. the present applicants are alleged to have kidnapped the minor prosecutrix and thereafter committed forceful gang rape with her and thereby committed the aforesaid offence.
3. Learned counsel for the applicants would submit that the applicants

have not committed any offence and they have falsely been implicated in crime in question. He would further submit that there is no allegation of rape against applicant No.1 and it is only against applicant No.2 and as such, the story as projected by the prosecution is improbable and false on the face of it, in which they are in jail since 27.6.2015 and charge-sheet has already been filed and therefore, they may be enlarged on bail.

4. On the other hand, learned State counsel would oppose the bail application.

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 and the manner in which the minor prosecutrix is said to have kidnapped and subjected to forceful gang rape by 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.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-