

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4798 of 2015**

Lileshwar Netam son of late Mahaveer Netam, aged about 24 years, resident of Village-Chhote Kapsi, Nayapara, Police Station and Tahsil-Pakhanjur, District-North Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-Badgaon, District-North Bastar Kanker (CG)

---Non-applicant

For Applicant	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/09/2015

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 applicant who has been arrested in connection with Crime No.13/2015, registered at Police Station-Badgaon, District-North Bastar Kanker (C.G.), for the offence punishable under Sections 363 and 376(g) and 506B/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and co-accused are said to have committed rape with the prosecutrix on 18.3.2015 and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that F.I.R. is false as there is delay of seven days in lodging the F.I.R. as the incident took place on 18.3.2015 and F.I.R. has lodged on 25.3.2015 and it is not supported by medical evidence. He would also submit that charge-sheet has been filed after arrest of the applicant on 4.4.2015.

4. On the other hand, learned counsel for the State 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; evidence available on record and the manner in which the applicant and co-accused are said to have gang raped the prosecutrix, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the 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/-