

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5793 of 2015**

Smt. Hasina Begam @ Sangeeta W/o Late Md. Jmaluddin, aged about 45 years, R/o Krishna Nagar, Near Sulabh, Supela P.S. Supela, Bhilai, District Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh Through P.S. Gudyari District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Arun Kochar, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/11/2015**

1. This is the third 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.17/2015, registered at Police Station Gudyari, District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376, 342, 370(d)/34 of the I.P.C. and Section 6 of the Protection of Children from Sexual Offence Act, 2012.

2. This third bail application has been filed by the applicant along with the statements of PW1-Annapurna & PW2-Shobha Yadav stating that they have not supported the case of the prosecution.

3. Learned counsel for the applicant would submit that prosecution has now examined only two witnesses, PW1-Annapurna & PW2-Shobha Yadav, who have not supported the case of the prosecution.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that other charge-sheeted prosecution witnesses are yet to be examined. He would further submit that the victim is aged about 12½ years, who has been raped by the co-accused and the present applicant has forcefully abducted her and thrown her to the Sex Trade. He would lastly submit that in her deposition, victim/PW2-Shobha Yadav has supported her statement earlier recorded under Section 164 of the Cr.P.C.

5. I have heard learned counsel appearing for the parties.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; the manner, in which, rape has been committed by the co-accused with the minor child, aged about 12½ years; the manner, in which, applicant has forcefully abducted her and thrown her to Sex Trade, in which, she was subjected to raped by the other co-accused persons; her statement under Sections 161 & 164 of the Cr.P.C. and the doctor, investigating officer and seizure witness of school entry register are yet to be examined, this Court is not inclined to release the applicant on regular bail. Accordingly, the third bail application filed under Section 439 of the Cr.P.C. is rejected.

7. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE