

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5941 of 2015

- Lokeshwar Devangan, S/o Sukhnandan Devangan, Aged about 29 Years, R/o Near Sahu "wooden Tall" Shardapara, Camp- I I, Bhilai, P.S. Chhawani, Distt. Durg, Chhattisgarh. **---- Petitioner**

Versus

- State of Chhattisgarh Through P.S. Chhawani, Distt. Durg, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Rajesh Jain, Advocate
For the Respondent	:	Mr. Ashok Swarnkar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. registered at P.S. 181/2015 (C.G) for the offence punishable under Sections 363, 366(A), 354(B), 376, 511 IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012
2. As per the prosecution case, a report was made by complainant Urmila Bai that in the night of 22.03.2015 at about 9.30 p.m her minor daughter Dipali Sahu who is mentally retarded was standing outside the house. At that time, she was informed by one Arti of the same locality that accused Raju Dewangan and other co-accused took her daughter Deepali to a bush. When the complainant and some other people searched for Deepali, they found the girl and the accused in front of Government School near a bush where the girl was standing in half nude position and accused Dewangan had worn out his pant. At that time on seeing the complainant other people, the other two accused fled away from the scene. Thereafter a report was made and the accused was arrested.
3. Learned counsel for the applicant submits that there is no evidence

against the present applicant Lokeshwar Devangan and the entire allegations are against Raju Dewangan and he has been inculpated only the statement of the co-accused. He further submits that the applicant is in jail since 23.3.2015 and looking to the detention period, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application and submits that the mother of prosecutrix has categorically stated the name of this applicant in her statement.
5. The statement appears to be recorded on 23.3.2015. After going through the charge sheet and the statement of the complainant/ mother and further taking into account that the prosecutrix was mentally retarded and the way in which the offence has been committed, I am not inclined to allow the bail application.
6. Accordingly, the bail application is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**