

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6004 of 2015

Shani Dewal, S/o. Shri Sanjay Kumar, Aged About 21 Years, R/o. Nagar Kusami (Masjidpara), Police Station Kusami, Distt. Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kusami, Distt. Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. Rishi Rahul Soni, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.51/2014 registered at Police Station- Kusami, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 450, 506B, 366 & 376D of the Indian Penal Code.
2. Case of the prosecution is that in the night of 03.06.2014 the accused alongwith other co-accused entered into the house of the prosecutrix by breaking upon the door and on the point of knife she was taken outside the house and thereafter gang rape was committed.
3. Learned counsel for the applicant submits that the applicant is in jail since 05.06.2014 and he has been falsely implicated in this case as there was a previous enmity in between the prosecutrix and applicant; therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the statement of the prosecutrix that she has categorically stated that she was subjected to gang rape by the applicant and other co-accused, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge