

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4929 of 2015**

- Ashwin Gond, S/o Shri Pram Lal Gond, aged about 20 years, R/o Village Devkirari, Thana Bilha, Civil & Revenue District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, Police Station Bilha, District Bilaspur (C.G.)

---- Non-applicant

For Applicant: Shri Amit Kumar Chaki, Advocate.

For Respondent/State: Shri Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 209/2014 registered at Police Station Bilha, Distt. Bilaspur for offences punishable under Sections 363, 376, 392 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant & two other co-accused persons abducted the minor prosecutrix, aged 13 years and taken her nearby place and committed forcible sexual intercourse with her and thereby committed the aforesaid

offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question because at the time of incident he was not there as he was studying in the School at that time. He further submits that applicant is in jail since 26.03.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case and the manner in which the prosecutrix has been abducted and subjected to sexual intercourse by the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-