

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5007 of 2015

Mohd. Rashid Shah @ Babu, S/o Ali Mohammad, aged about 35 years,
R/o Ranpurkhurd (Takiya Sharif), Police Station and Tahsil Ambikapur,
Civil and Revenue District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Ambikapur, District Surguja
(C.G.)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

22/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.227/2015 {ST No.94/2015 pending in the Court of Additional Sessions Judge (FTC), Ambikapur}, registered at Police Station Ambikapur, Distt. Surguja, for the offence punishable under Sections 376, 394, 342 read with Section 34, 366 and 363 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and another co-accused person robbed Rs.27,000/- from complainant Salaluddin and also kidnapped and committed sexual intercourse with his sister, the prosecutrix, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has falsely been implicated in the case, he is in custody since 12-5-2015 and, therefore, he may be released on bail.

He further submits that main accused is co-accused Mohd. Ramzan who not only looted Rs.27,000/- from the complainant but also committed sexual intercourse with the prosecutrix.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and the manner in which the present applicant and another co-accused not only looted the complainant but also committed sexual intercourse with the prosecutrix by kidnapping her, I am not inclined to grant bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge