

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5482 of 2015**

1. Komal S/o Ramshankar Verma, Aged 22 years, R/o Village-Behersari, Police Station Bodla, District-Kabirdham (CG)
2. Sagar S/o Bhojram Jaiswal, Aged 18 years, R/o Village-Behersari, Police Station-Bodla, District-Kabirdham (CG)

---Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kawardha, District-Kabirdham (CG)

---Non-applicant

For Applicants	:	Mr. Rajeev Shrivastava, Advocate
For-Non-applicant	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.240/2015, registered at Police Station-Kawardha, District-Kabirdham (C.G.), for the offence punishable under Sections 376 (G), 363, 342, 419 & 506 of the IPC read with Section 6 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that, on the present applicants along with other four other co-accused persons are said to have gang raped the minor prosecutrix by abducting and wrongfully confined her and also threatened her.
3. Learned counsel for the applicants would submit that applicants

have not committed any offence and they have been falsely implicated in the case. He would further submit that there is evidence to connect the applicants in crime in question. He would also submit that the prosecutrix has not named the present applicants in the F.I.R. and there is serious contradiction and omission in the various statements.

4. Learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and the manner in which the applicants are said to have gang raped the minor prosecutrix by abducting and wrongfully confined her, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-