

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5521 of 2015**

Zakir Mohamad S/o Zouhar Mohamad Age about-25 years, R/o Village-Kuran, Police Station – Dharsinva, District-Raipur (CG)

---Applicant

Versus

The State of Chhattisgarh Through SHO, Police Station-Dharsinva, Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Manish Thakur, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Dy.Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

14/10/2015

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 applicant who has been arrested in connection with Crime No.128/2015, registered at Police Station-Dharsinva, District-Raipur (C.G.), for the offence punishable under Section 376 (1) and 506B & 34 of the IPC.
2. Case of the prosecution, in brief, the on 30.4.2015 the present applicant and other co-accused persons committed forcible sexual intercourse with the major prosecutrix and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that other co-accused persons namely Suraj, Sumit Gaikwad and Atma Ram have been enlarged on bail. The applicant is in jail since 5.5.2015 and charge-sheet has already been filed and therefore, he may also be enlarged on bail.
4. On the other hand, learned counsel for the State would oppose the

bail application and submit that the present applicant is main accused, who is alleged to have committed forcible sexual intercourse with the prosecutrix and other co-accused persons were present at the time of commission of offence.

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, nature and gravity of the offence, considering the fact that prime role is of the present applicant and the material collected by the prosecution including medical evidence, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the 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/-