

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5623 of 2015

Rajendra Dewangan, Aged about 21 years, S/o. Keshkumar Dewangan,
R/o. Village Nakapara, Ward No.1, Charama, District U.B. Kanker

---- Applicant

Versus

The State of Chhattisgarh, Through: Police Station- Charama, District U.B.
Kanker.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

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.92/2015 registered at Police Station- Charama, District U.B. Kanker (C.G.) for the offence punishable under Sections 363/34, 366/34, 376(2)D E/34, 343/34, 346/34, 506 Part 2 of IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused persons are alleged to have abducted the prosecutrix and committed gang rape with her and thereby committed offence.
3. Learned counsel for the applicant would submit that the allegation of rape is not against this applicant and the provisions of Section 366 of IPC would not apply in the instant case. He further submits that the applicant has been falsely implicated in this case and the charge sheet having been filed, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact, the nature of crime and the fact that the applicant was in the series of chain in the commission of crime which ended in the gang rape, therefore, taking into the gravity of the seriousness of crime and the fact that the similar bail application of two accused has already been rejected by the co-ordinate Bench of this Court, I am not inclined to allow this bail application.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge