

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 289 of 2016

Krishna Giri S/o Sureet Giri Aged About 21 Years R/o Village Kepi,
P.S. Dhourpur, Distt. Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Dhourpur, Distt. Surguja Chhattisgarh

---- Respondent

For applicant -Shri Jitendra Shrivastava, Advocate.
For Respondent/State – Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 43/2015 (as per challan) registered in Police Station Dhourpur Surguja for offence punishable under section 363, 366 (ka) and 376 (gha) of the Indian Penal Code and Section 5 (cha)/6 of the POCSO Act, 2012.
2. As per the prosecution case on 24/10/2015 the prosecutrix when went to answer call of nature, at that time the applicant along with one Abhay Patel caught hold of the girl, dragged her to a place, thereafter Abhay Patel committed sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant submits that allegation of rape are attributed to Abhay Patel and not against this applicant, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the victim wherein it is stated that at the time of incident Krishna the applicant had gagged her mouth and and the other opened garments of the prosecutrix and thereafter Abhay

Patel committed sexual intercourse and she lost her conscious. Considering the statement of the prosecutrix and the role played by this applicant, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE