

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.534 of 2016

Jai Kumar Sarthi, S/o Bahadur Sarthi, aged about 30 years, R/o Uraonpara, Gharghoda, Police Station & Tahsil Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Gharghoda, Raigarh, District Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Ashish Gupta, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/02/2016

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.250/2015, registered at Police Station Gharghoda, Distt. Raigarh, for the offence punishable under Sections 458, 394, 397, 376, 377 and 307 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that in the intervening night of 10-8-2015 and 11-8-2015, the applicant and other co-accused persons entered into the house of the prosecutrix, looted silver & gold ornaments from her, committed sexual intercourse with her and caused grievous injury to her which was sufficient to cause death.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, other co-accused persons are responsible for the aforesaid offence, the applicant is not responsible.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the manner in which the applicant and other co-accused persons entered into the house of the prosecutrix, committed sexual intercourse with her, looted ornaments and injured her, I do not consider it a fit case to enlarge the applicant on regular bail. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma