

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 760 OF 2016**

Santosh Soni, S/o Makhan Lal Soni, aged about 35 years,
R/o Village Belargaundi, P.S. Gaindatola, Dist.
Rajnandgaon (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Station Incharge,
P.S. Gaindatola, Dist. Rajnandgaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Arvind Dubey, Advocate
For-Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/02/2016**

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. 72/2015, registered at Police Station Gaindatola Dist. Rajnandgaon (C.G.), for the offence punishable under Sections 376, 506 of I.P.C. &

Section 3(1)(12), 3(2)(5) of SC & ST Prevention of Atrocities Act.

2. Case of the prosecution, in brief, is that, on 03/11/2015, applicant is said to have committed rape with prosecutrix, who belongs to scheduled caste and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that prosecutrix is major and consenting party and there is no medical evidence. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 05/11/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that a broken bangle has been recovered from the applicant at the place of occurrence.

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; role of the applicant and recovery of broken bangle from the applicant, 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