

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1083 of 2016**

Vikash Pandey @ Vikky, S/o Shri Arun Pandey, aged about 26 years, R/o Village-Bauripara Shikaroad, Ambikapur, P.S.- Kotwali, Ambikapur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through P.S. A.Ja.K., Ambikapur, Distt. Surguja (C.G.)

-----Non-applicant

For Applicant: Mr. Goutam Khetrapal, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.12/20015 registered at Police Station –A.Ja.K. Ambikapur, District Surguja for the offences punishable under Sections 366,376(d), 506, 323 of IPC and Sections 3(1)(xii) & 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution in brief is that on 31.08.2015 applicant & one co-accused Mohan Vishwakarma kidnapped the major prosecutrix and committed forcible sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that co-accused has already been released on bail by the court below; and the applicant is in detention since 3.9.2015; charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant and other co-accused forcefully gang raped the prosecutrix and on account of which, she suffered external injuries in her person and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts and circumstances of the case; looking to the nature and gravity of the offence; and the manner in which major prosecutrix subjected to gang rape with the prosecutrix and the material available in the case diary against the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-