

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1997 of 2016**

Abhay Patel S/o Shyam Prasad Patel, aged about 21 years, R/o Village
Kepi, Police Station Dhourpur, District Surguja (CG)

---Applicant

Versus

State of Chhattisgarh Through: Police Station Dhourpur, District-Surguja
(CG)

---Non-applicant

For Applicant	:	Mr.Amarnath Pandey, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/04/2016

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.43/2015, registered at Police Station-Dhourpur, District-Surguja (CG), for the offence punishable under Sections 363, 366, 376D of the IPC and Sections 5(f) & 6 of the POSCO Act.

2. Case of the prosecution, in brief, is that the applicant and co-accused gang-raped the prosecutrix on 29.10.2015 and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that statements of the prosecutrix, her mother and father have been recorded in which

they have not supported the case of the prosecution, the applicant is in jail since 29.10.2015 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, particularly taking the view that most of the prosecution witnesses, which are four in number, have already been examined, I do not wish to entertain this bail application. Consequently, bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible preferably within a period of two months from the date of receipt/production of certified copy of this order.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-