

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3690 of 2016**

Shankarlal Kashyap, S/o Ravikaran Kashyap, Aged About 20 Years,  
R/o Village Khodari, Thana Gourela, Tahsil Gourela, District  
Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Thana Incharge Police Station  
Gourela, District Bilaspur, Chhattisgarh.

**---- Respondent**

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For applicant - Shri Suresh Verma, Advocate.  
For Respondent/State – Ms. Sunita Jain, PL.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**14/07/2016**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.15/2016 registered in Police Station Gourela, District Bilaspur (C.G.) for offence punishable under sections 341, 376 (D), 323 of Indian Penal Code and 3(1) (12), 3 (2) (5), Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case on 2/01/2016 the victim was standing alone, at that time the applicant along with other co-accused gagged her mouth and took her behind the nursery and committed forceful sexual intercourse one by one and thereafter fled away.
3. Learned counsel for the applicant submits that no allegation of rape is attributed to this applicant and the allegation of rape is alleged to other three accused not to this applicant, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim/prosecutrix. At this stage it will

not be proper to evaluate evidence of the prosecutrix by picking up few lines as it would amount to decide trial and giving finding on merits, still IO is to be examined. Therefore, taking into such fact after reading statement, this court is not inclined to release the applicant on bail. The matter is left open for the trial court for appreciation.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE