

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7722 of 2015**

- Naushad Alaam, S/o Ajhar Alaam, aged about 25 years, R/o Village – Cheer Bagichha Jashpur Nagar, Tah. & District Jashpur (C.G.)

---- Petitioner**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station – Aasta, District Jashpur (C.G.)

---- Respondent

For Applicant	:	Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	:	Shri Sangharsh Pandey, Deputy G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18.01.2016**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.22/2015 registered at Police Station Aasta, District Jashpur (C.G.) for the offence punishable under Sections 366, 323, 506, 376, 370, 371, 114, 34 of the I.P.C. and 3 (1) (xii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short 'the Act').
2. As per the prosecution case, in brief, on 27.05.2015 the applicant along with co-accused persons went to the house of prosecutrix and forced her to accompany with them and thereafter she was taken to forest by the applicant and his accomplices where they committed sexual intercourse. It is also alleged that initially the applicant along with other co-accused persons has taken the prosecutrix to various places and thereafter to Ranchi and Delhi where the prosecutrix was forced to work in 4 – 5 *Kothis* (brothel houses) and further that when the prosecutrix refused to work as such, the applicant and his accomplices issued a threat to her life.
3. Learned counsel for the applicant submits that the allegation against the applicant is that he was holding bike and on a request of other co-accused

persons he gave his bike in order to facilitate them to take the prosecutrix to the forest and except that no allegations have been attributed to this applicant, and therefore, considering his role, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the applicant took part in this offence very actively and no leniency can be shown to him.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of statements under Section 161 and 164 of the Cr.P.C. of the prosecutrix, it revealed that there is positive statement made against the present applicant, who along with other co-accused persons went to the house of the prosecutrix and forced her to accompany with them and extended threat, as a result of which, she was made to accompany the applicant and his accomplices and she was taken to various places where the applicants committed sexual intercourse with her. Considering the statements of prosecutrix and material available against the applicant, I am not inclined to enlarge the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is disallowed.

Certified copy as per rules.

Sd/-
(GOUTAM BHADURI)
Judge