

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4977 of 2016

- Laakhan Prasad Namdev S/O Bhuvneswar Prasad Namdev Aged About 29 Years R/O Ward No. 15 Jhulkadam Road Sakti, Police Station & Tahsil Sakti, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir Champa, Chhattisgarh.

---- Responden

For Applicant : Mr. Yogeshwar Sharma, Advocate.

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-08-2016

1. This is the 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 on 24-05-2016 in connection with Crime No. 102 of 2014, registered at Police Station Sakti, District Janjgir-Champa (CG) for the offence punishable under Sections 376 (d), 450, 294, 323 , 109 and 120-B of the IPC.
2. Case of the prosecution, in brief, is that while the prosecutrix was alone in her house, at that time, the applicant along with other co-accused persons knocked the door, when she opened the door thinking it to be her husband and son, the applicant along with other co-accused persons forcibly entered into house and thereafter committed gang rape on her. Subsequently, when the matter was reported to her husband, she was told that her husband sent the accused to commit the crime and thereafter charge-sheet has been filed against husband of the prosecutrix namely Achche Ram Sahu

and Ramesh and two other co-accused persons namely Lakhan and Sanjay Kashyap were absconding.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated and he has not committed any offence. He would further submit that charge-sheet has been filed in this case, he is in jail since 24-05-2016 and no further investigation is required, therefore, the applicant may be released on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the statement of the prosecutrix and also the fact that the applicant was absconding, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju