

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1502 of 2016**

Bharat Kumar Kushwaha S/o shri Jagarnath (wrongly mentioned as Jagannath in certified copy), aged about 26 years, R/o Kochila, Police Station Patna, Tahsil Baikunthpur, Civil and Revenue District Korea (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-Patna, Raigarh, District Korea (CG)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/03/2016

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.149/2015, registered at Police Station-Patna, District-Korea (CG), for the offence punishable under Sections 376(D), 366 and 323 read with Section 34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and three other co-accused persons gangraped the prosecutrix 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. The applicant has already married with the prosecutrix. He is in jail since 31.1.2016 and charge-sheet is yet to be filed.

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

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

6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and the manner in which the prosecutrix, who is aged about 18 years, is said to have been gangraped and material available in the case diary, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-