

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3918 of 2016

1. Surendra Singh, S/o. Ramakant Gond, Aged About 23 Years.
2. Shyamlal Singh, S/o. Jagmohan Singh, Aged About 20 Years.
3. Aklesh Dewangan, S/o. Sobhit Ram Dewangan, Aged About 20 Years.
4. Naresh Dewangan, S/o. Pheku Dewangan, Aged About 20 Years.

All are R/o. Village – Daripara, Bhaiyathan, P.S. & Tahsil
Bhaiyathan, Distt. Surajpur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station- Odagi, Distt. -
Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. A.N.Pandey, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.30/2016 registered at Police Station- Odagi, District Surajpur (C.G.) for the offence punishable under Section 363, 354(B), 323/34 of Indian Penal Code and under Section 7 & 8 of Protection of Child from Sexual Offences.
2. Case of the prosecution, in brief, is that a report was made on 14.04.2016 that the victim, who is minor, went alongwith her friends to Mela, at that time, she was separated from her friends and while she was looking for her friends asked one Ashok Keshri to find

them out. While the phone call was being made, the applicants reached and spotting the girl alone all the four applicants reached there and forcefully took the girl to the forest and while she screamed, it could not be heard because of the loudspeakers and thereafter taking the girl into the field took out her entire garments and tried to commit rape and by the time the police reached and the applicants fled away.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated, they have not committed any offence and no sexual overt act has been committed, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim, who is 15 years of age, along-with the statement of Ashok Keshri. Considering the way the offence has been committed, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge