

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.7693 of 2015

Ravindra Agrawal, S/o late Banshi Lal Agrawal, aged about 32 years, R/o Bazar Mohalla, Katghora, Thana Katghora, Civil and Revenue Distt. Korba, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Lemaru, Distt. Korba, Chhattisgarh

---- Non-applicant

For Applicant:	Dr. N.K. Shukla, Senior Advocate with Ms. Vijay Laxmi Soni, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

26/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.2/2015, registered at Police Station Lemaru, Distt. Korba for the offence punishable under Sections 363, 366A, 370, 370A, 373, 376 read with Section 34 of the IPC; Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that from 18-5-2015 to 7-6-2015, the applicant and other co-accused persons kidnapped and committed sexual intercourse with the minor prosecutrix who belongs to Scheduled Tribe category and thereby committed the offence.

3. Learned Senior Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. In the statement of the prosecutrix recorded under Section 164 of the CrPC there is no evidence against the applicant and in the statement before the Court also, the prosecutrix has not supported the case of the prosecution. The applicant is in jail since 9-6-2015, charge-sheet has already been filed and the prosecution has already been launched.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the manner in which the offence is said to have been committed and the trial is in progress, I am not inclined to grant bail to the applicant. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge