

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5733 OF 2017

Sukhsai Nagesiya S/o Gharam Sai Nagesiya, aged about 32 years, R/o Jarhadih, Police Station Lundra, Distt. Surguja (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Lundra, Distt. Surguja (CG).

... Respondent

For Applicant	:	Shri Varunendra Mishra, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 09.01.2017 in connection with Crime No.4 of 2017 registered at Police Station Lundra, Distt. Surguja for the offence punishable under Sections 366,376(d) and 506 IPC.
2. As per prosecution case, the applicant along with other co-accused persons is said to have dragged the prosecutrix inside the house and there the present applicant is said to have pushed one of the co-accused along with the prosecutrix inside the house and locked from outside and where the said co-accused is said to have committed sexual intercourse with the prosecutrix inside the house.
3. Learned Counsel for the applicant submits that it is a case where the present applicant is not the main accused who has committed rape with the prosecutrix. The applicant was only present with the other co-

accused and no offence has been committed by him, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the present applicant has also played vital role in dragging the prosecutrix inside the house and thereafter locked the door from outside while the other co-accused person has committed rape with the prosecutrix, and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the role played by the present applicant in pushing the prosecutrix inside the house and locking from outside where the other co-accused person has committed rape, this court is not inclined to grant bail to the applicant.
6. Accordingly, the bail application is rejected.

Sd/-
(P. Sam Koshy)
Judge