

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 738 of 2017

- Dhanesh Nishad @ Jungli, S/o Late Mehtaru Nishad, Aged About 60 Years R/o Ward No. 13, Village- Matiya, Police Station- Dongergaon, Civil And Revenue District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- Dongergaon, District- Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rakesh Thakur, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/02/2017

1. Heard.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.236/2016 registered at Police Station Dongergaon, District Rajnandgaon for the offence punishable under Section 376 (g), 506, 34 of IPC and Section 4, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. Counsel for the applicant submits that the prosecutrix was aged about 14 years and was raped thrice in a day. Applicant is said to be one of the co-accused who is alleged to have committed rape on the prosecutrix. Learned counsel for the applicant submits that the manner in which prosecutrix has narrated the incident of she having been ravished three times in one day by three different persons, makes story of the prosecution quite improbable, particularly taking into consideration the old age of the applicant.
4. On the other hand learned State counsel has opposed the bail on the basis

of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C. *prima facie* case is made out.

5. Considering the submission and material available on record, I am not inclined to grant the bail to the applicant.
6. Accordingly, bail application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Kamde