

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1211 of 2017

- Dinesh Kumar Nayak s/o. Dhanjeeram Nayak, aged about 19 years, residing at village Balasar Plotpara, PS Kondagaon, Revenue and Civil District Kondagaon (CG).

---- Applicant

Versus

- State of Chhattisgarh Through PS Kondagaon, District Kondagaon (CG).

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-03-2017

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 21-10-2016 in connection with Crime No. 229 of 2016, registered at Police Station Kondagaon, District Kondagaon (CG), for the offence punishable under Sections 376(D), 506, 341, 109/34 of IPC and Section 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per prosecution case, on 16-10-2016 a report was made by the prosecutrix that when she was coming back with her friends, at that time the applicant along with other co-accused persons stopped them and told that they were Police and subsequently one of the victim girl was forcibly taken to the field by other co-accused persons and thereafter they committed gang rape on her and the present applicant had forcefully confined the other friends of the victim while rape was being committed and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the the main allegations are attributed to other co-accused persons namely Narendra and Roopdas and the allegation of rape has not been attributed to the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 21-10-2016 and no further investigation is necessary, therefore, present applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Perused the statement of the victim girl which would show that while rape was being committed by other co-accused persons, the present applicant had forcefully confined other friends of the victim girl and also extended threat.
7. Taking into consideration all the facts and circumstances of the case, nature of allegation and degree of offence and further considering the statement of the victim girl, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju