

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1702 of 2017**

- Khagesh Kumar Chauhan S/o Murli Manohar Chauhan, Aged About 19 Years R/o Balco Nagar, Behind Hospital, Indira Nagar, Sector 5, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri Suresh Kumar Verma, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.3.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.280/2016 registered in Police Station Kotwali, District Korba for the offence punishable under Sections 363, 366, 376/34 of the Indian Penal Code, under Section 3(1)(12) & 3(2)(5) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 4 of Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the applicant is the co-accused in Special Session Case No.26/16, he is in jail since 18.8.2016, trial is going on, two witnesses, Sonabai

Chouhan (PW-1) and the prosecutrix (PW-2) were examined by the trial Court. As per the evidence collected on the statement of the prosecutrix recorded under Section 161 and 164 of the Code , the present applicant was called by the friend of the prosecutrix. As per the allegation, he helped the main accused, with this he may be granted bail till conclusion of the trial.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that present applicant had taken three girls in his motor bike up to the dam and thereafter the incident happened. He helped the co-accused for the kidnapping and abducting.

5. Perused the material.

6. On due consideration of the facts surfaced, I am not inclined to allow the instant bail application.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE