

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3656 of 2017**

1. Ameer Sai S/o Kalamsai Gond Aged About 23 Years R/o Pawanpur, Police Station - Ramanujnagar, District- Surajpur, Chhattisgarh.
2. Radheshyam S/o Jagatram Kurre Aged About 26 Years R/o Ramtirath, Police Station - Ramanujnagar, District - Surajpur, Chhattisgarh.
3. Shivkumar S/o Devidayal Singh Cherwa Aged About 27 Years R/o Pawanpur, Police Station - Ramanujnagar, District - Surajpur, Chhattisgarh.
4. Visnath Singh Gond S/o Lakhan Singh Gond Aged About 19 Years R/o Pawanpur, Police Station - Ramanujnagar, District - Surajpur, Chhattisgarh.
5. Sukhsai Panika S/o Siyambardas Aged About 22 Years R/o Pawanpur, Police Station - Ramanujnagar, District - Surajpur, Chhattisgarh.
6. Motilal S/o Prabhu Cherwa Aged About 21 Years (Wrongly Mentioned As Prau Cherwa) R/o Pawanpur, Police Station - Ramanujnagar, District - Surajpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : The Incharge, Adim Jati Kalyan Thana, Surajpur, District - Surajpur, Chhattisgarh.

---- Respondent

For Applicants	: Shri SK Kushwaha, Advocate
For Respondent/State	: Shri Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.6.2017**

1. 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.14/2017, registered at Police Station Adim Jati Kalyan Thana, Surajpur, District Surajpur (CG) for the offence punishable under Sections 376(D), 365, 341, 294, 323, 506, 34 IPC and Section 3 (2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. As per case of the prosecution when the prosecutrix was going on along with her husband, the applicants reached to the spot, beaten the husband of the prosecutrix and thereafter taken the prosecutrix towards the field and committed rape one by one with the prosecutrix.

4. Learned counsel for the applicant submits that as per allegations all the 6 applicants were involved in the incident. The incident is allegedly committed on 15.1.2017 at 8.00 pm and FIR was lodged by the husband of the prosecutrix on 16.1.2017 at about 4.00 pm. With this, the FIR is delayed. There is no injury noticed in the MLC examination, therefore, the applicants may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard the counsel appearing for the parties and perused the material.

7. Considering the totality of the facts and circumstances of the case and the evidence collected by the prosecution, which is of serious nature involving gang rape by the applicants, I am not inclined to grant bail to the applicants.

8. 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**