

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5070 of 2017**

1. Padamsingh Nag S/o Ramsingh Nag Aged About 27 Years Caste Mahara, R/o Chotebandam, Bandapara, Police Station- Parpa, Tahsil Jagdalpur, District Bastar, Chhattisgarh.
2. Lachindhar Nag S/o Samajh Nag Aged About 46 Years Caste Mahara, R/o Chotebandam, Bandapara, Police Station- Parpa, Tahsil Jagdalpur, District Bastar, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Parpa District Bastar, Chhattisgarh.

---- Respondent

 For Applicants : Shri Vikash A Shrivastava, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

30.8.2017

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 applicants, who have been arrested in connection with Crime No.63/2016 registered in Police Station Darbha, Distt. Bastar (CG) for the offence punishable under Sections 363, 366, 376/34 of the Indian Penal Code and under Sections 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act').

3. Learned counsel for the applicants submits that the applicants have been arrested on 01.12.2016 after investigation, Police has filed charge sheet which is pending before Special Judge under the Atrocities Act as Special Session Trial No.02/17.

Learned counsel for the present applicants submits that allegation of rape and allegation under Section 6 of the POCSO Act are not registered against the applicants. Role of the applicants as per the prosecution is that they have taken the minor prosecutrix from the custody of her lawful guardian to a place from where the main accused has taken the said prosecutrix and committed rape. 16 witnesses have already been examined including the prosecutrix, the applicant is in custody since long, as the trial may take some time for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material and the statement of the prosecutrix recorded under Section 161 CrPC.

6. On consideration of the entire facts surfaced in the charge sheet, without commenting anything on its merits, I am not inclined to grant bail to the applicant.

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

Sd/-
(Chandra Bhushan Bajpai)

JUDGE

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