

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5378 of 2017**

- Krishnakant Dewangan S/o Dronkumar Dewangan Aged About 23 Years R/o Fasiyara Colony, Taraimaal P O Punjipathra District Raigarh, Chhattisgarh. Mo. No. 7869484555

---- Applicant

Versus

- State Of Chhattisgarh Through: Thana In-Charge, Punjipathra, District Raipgarh, Chhattisgarh.

---- Respondent

 For Applicant : Shri Rajendra Tripathi, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

08.9.2017

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.49/2017 registered in Police Station Punjipathra, Distt. Raigarh (CG) for the offence punishable under Sections 456, 506, 376 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.5.2017, after investigation charge sheet has been filed which is pending before Court of Session, Raigarh as Session Trial No.27/2017. Learned counsel for the applicant would submit that it is a case of consent. The applicant is in custody since long, the trial may take some time for its conclusion, hence 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 collected during investigation.
6. A perusal of the statement of the prosecutrix recorded under Sections 161 & 164 of the CrPC and also the entire material surfaced in the charge sheet, looking to the act of the applicant for his criminal trespass, threat and also to commit rape with the prosecutrix against her will and consent, 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