

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8469 of 2016

1. Om Prakash Nishad, S/o. Panch Ram Nishad, aged about 22 years, R/o. Village-Parkhanda, Tahsil and Police Station – Kurud, Revenue and Civil District – Dhamtari (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, District Dhamtari (C.G.)

---- Respondent

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.244/2016, registered at Police Station – City Kotwali, Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 376 (D), 363, 342, 506, 328, 370, 370(A), 120(B), 354 (A) of I.P.C. and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was lodged by the victim on 11.06.2016 that in between 19.05.2016 to 03.06.2016, the present applicant allured the victim and was taken to Allahabad along with other girls, wherein she was handed over to one another person. Subsequently, they were sent for programe and she was subjected to gang rape. Subsequently, she escaped and made a report. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no evidence is available against the present applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 08.08.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim. The primary allegation to took over the girl is against the applicant. Considering the nature of allegation levelled against the present applicant I am not inclined to release the applicant on bail..
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge