

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7529 of 2017**

Rajesh Chakradhari, S/o. Shankar Lal Chakradhari, Aged About 29 Years,
R/o. Bhatagaon, Police Station -Abhanpur, District -Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station
-Abhanpur, Civil and Revenue District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mr. Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

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.165/2017, registered at Police Station – Abhanpur, District – Raipur (C.G.) for the offence punishable under Section 363/34, 366/34, 506 Part-II, 376 (2) (N), 342/34 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against him on the basis of the material available in the prosecution case. It is further submitted that the prosecutrix in her statement before the trial Court, has admitted in her cross-examination that applicant was not one of the person, who raped her. Hence, it is prayed that the

applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that no case is made out for grant of regular bail, hence he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident, applicant and co-accused Mithlesh Kumar by deceit gave lift to the minor prosecutrix on their motor cycle and by taking her in a lonely place, both of them have raped her.
6. Considered the submission made and the contents of the case diary. The evidence before the trial Court is not to be considered by this Court for the purpose of grant of bail and that is the evidence, which has to be appreciated and the finding has to be given by the trial Court itself according to the material in the case. Hence, for this reason, this Court is of the opinion that present is a not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge