

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3018 of 2018**

Shanker Sahu S/o Balram Sahu Aged About 20 Years R/o Village
Bargaon, Police Station Berla, District Bemetara Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Berla, District
Bemetara Chhattisgarh

----Non-applicant

For Applicant	:	Ms. Mandavi Bhardwaj, Advocate on behalf of Mr. M.K. Bhaduri, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 224/2017 registered at Police Station Berla, District Bemetara, Chhattisgarh for the offence punishable under Sections 342, 376 (घ), 395, 397 of Indian Penal Code.
2. The present applicant is in jail since 11.08.2017 in connection with the aforesaid Crime number.
3. As per the prosecution case, the applicant and co-accused intercepted the prosecutrix and her brother-in-law on the main road and the prosecutrix was dragged. She was confined in a room and then she was taken to an open place and subjected to rape. The allegation against the present applicant is that he was also one of the person, who arrived at the spot and he caught hold of the prosecutrix and other accused committed rape.

4. The learned counsel for the applicant would submit that the allegations leveled against the present applicant are false and improbable. The applicant's name has not been mentioned in the 164 Cr.P.C. statement of the prosecutrix, but later on, a false identification has been prepared, and thus prayed for releasing the applicant on bail.
5. On the other hand, the State counsel opposing the bail application submits that more than one accused persons are involved in the commission of offence and the applicant has been identified by the prosecutrix in the test identification parade.
6. Taken into consideration the submissions made by the either side and the material collected by the prosecution against the present applicant, particularly test identification parade, wherein the prosecutrix has identified the present applicant, no case is made out for grant of bail.
7. Accordingly the present bail application stands rejected.

Sd/-
(Manindra Mohan Shrivastava)
VACATION JUDGE