

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7810 of 2018

1. Prakash @ Lallu S/o Birbal Kindo, Aged About 22 Years R/o Patrapali, Tahsil Baikunthpur, District Korea Chhattisgarh,
2. Gorelal Xalxo S/o Late Jiwan Lal Xalxo Aged About 20 Years R/o Kasra (Goutiyapara), Police Station Patna, Tahsil Baikunthpur, District Korea Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh through Station House Officer, Police Of Police Station Patna, District Korea Chhattisgarh.

----Non-applicant

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mrs. M. Aasha, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

31/10/2018

1. The applicant have filed this application under Section 439 of the Code of Criminal Procedure for grant of bail as they are in custody since 27.04.2018 in connection with Crime No. 89/2018 registered at Police Station Patna, for the offences punishable under Sections 363/34 366/34, 376(2)(n) r/w 109 IPC and Section 6 r/w 17 of POCSO Act.
2. As per the prosecution case, one Krishna had taken the prosecutrix to the filed where after committing rape on her, he killed her. The only allegation against the present applicant is that he helped Krishna in taking the prosecutrix to the secluded area.
3. Counsel for the applicants submits that the applicants have not committed any offence and have been falsely implicated in the crime in question and therefore, they may released on bail.
4. On the other hand, State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the record.

6. Considering the totality of the facts and circumstances of the case, and the seriousness of the allegation made against the applicants, I am not inclined to release the applicants on bail. Accordingly, the application is rejected.

CC as per rules.

Sd/-
(Vimla Singh Kapoor)
Judge