

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1887 of 2020

- Ashwani Kumar S/o Shrawan Singh Kanwar Aged About 25 Years R/o Village Bhatgaon, P. S. Balco Nagar, Korba, Tahsil And District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Balco Nagar, Korba Tahsil And District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri G.R.Miri, Advocate
For Respondent/State	: Shri Siddarth Dubey, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 31/2020 registered at police station Balco Nagar, district Korba (CG) for the offence punishable under Section 376 (D) IPC.

As per prosecution case, on the date of incident, when the prosecutrix had gone to attend the call of nature, the applicant and other co-accused persons caught hold of her, gagged her and dragged her towards the jungle where all of them committed rape on her.

Counsel for the applicants submits that the applicants have been

falsely implicated in the case. He further submits that the applicants are in jail since 21.01.2020 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore they may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of offence, I am not inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)

Judge