

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3420 of 2020**

- Sugri Nag @ Sugriv Yadav S/o Sagar nag aged about 22 years, R/o FTC Colony Baghera, P.S. Bori, District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station-Bori, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Adv.
For Respondent/State	: Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 28/2020 registered at Police Station Bori, District-Durg (C.G.) for the offence punishable under Sections 419, 376, 506, 34 of IPC.
4. The prosecution story, in brief is that, prosecutrix lodged a written complaint that on 16.04.2020 when she along with Purohit Yadav had gone on motorcycle to meet her sister-in-law who lives at village Jogigufa, about 12:00 hours while she was returning with Purohit after meeting her sister-in-law, she took rest near the bridge, suddenly two unknown persons came there wearing scarf on their faces, saying themselves as police personnel and asked them as what they are doing near bridge. It was further alleged that prosecutrix was forced to sit on motorcycle and was taken towards the field and the

present applicant along with other co-accused forcefully committed sexual intercourse with the prosecutrix and the accused persons also threatened the prosecutrix for life. Present applicant has been taken into custody on 19.04.2020.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant had never met or seen the prosecutrix in his life and the applicant is in jail since 19.04.2020, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime. During the Test Identification Parade prosecutrix had recognized the present applicant and other co-accused person, therefore, no case is made out to release the applicant on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**