

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4428 of 2020**

- Raj De, S/o Late Sh. Jaidev Chandra De, Aged about 21 years, R/o Mahatma Gandhi Nagar, Power House, Camp-2, Bhilai Nagar, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : The Station House Officer, Police Station Supela, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Aman Pandey, Advocate.
For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/08/2020**

1. 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. 1196/2019 registered at Police Supela, District Durg (C.G.) for the offence punishable under Sections 376(2)(D), 366, 394, 120-B read with Section 34 of the IPC, 1860.
2. As per the prosecution case, the applicant along with the other co-accused persons on 04.12.2019, in pursuance of the conspiracy, made the prosecutrix to travel in their OLA Cab where after the present applicant and other co-accused persons took her to an isolated place and committed the offence of rape on her. It is also alleged that the accused persons took Rs. 50,000/- and mobile phone of the prosecutrix and left her at Raipur.
3. 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 prosecutrix has alleged that

the accused persons have assaulted her while the same is not supported by the medical report. He next submits that the applicant is in jail since 05.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge

Vasant