

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5438 of 2020**

- Shorab Ali, S/o Shri Jumman Ali, aged about 19 years, R/o Near Gafur Masjid, Moudahapara, P.S. Moudahapara, District Raipur (C.G.)

----- Applicant**Versus**

- State of Chhattisgarh Through- Police Station Mana Camp, District Raipur (C.G.)

----- Respondent

For Applicant.	:	Mr. Devarshi Thakur, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29.09.2020**

1. The applicant has filed this **first bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 48/2020 registered at Police Station Mana Camp, District Raipur (C.G.) for the offence punishable under Section 377, 34 of the IPC.
2. As per the prosecution case, the allegation against the present applicant, who is a prisoner at the Child Protection Home at Mana Raipur, is that he along with other co-accused person had committed an unnatural offence over the victim Rohit Korva and tortured him both physically and mentally. Based on that, after investigation, offence has been

registered against the applicant and he has been arrested.

3. The submission made by learned counsel for the applicant is that the applicant has been falsely implicated in the crime in question. He further submits that the victim Rohit Korva had given his affidavit and made no objection regarding the grant of bail of the present applicant. He further contended that as the applicant is in jail since 16.05.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. Per contra, State counsel strongly opposes the bail application and submits that the victim has himself stated in his 161 Cr.P.C. statement that the applicant as well as other accused person used to torture him both physically and mentally furthermore the statement of the prosecution witnesses have been recorded and they have also specifically stated against the present applicant, therefore, looking to the nature and gravity of the crime in question, the present applicant may not be granted bail.

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, quality of evidence and gravity of the 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**

Vijay Sahu