

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5794 of 2019**

- Gajanand Sahu S/o Bhagat Ram Sahu Aged About 19 Years
R/o Chatan, Police Station Fastapur, District Mungeli
Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer In Charge Of Police
Station Lalpur, District Mungeli Chhattisgarh., District :
Mungeli, Chhattisgarh

---- Respondent

 For Applicant : Shri Pallav Mishra, Advocate
 For Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06.01.2020

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No.122/2018 registered at Police Station Lalpur, Mungeli for the offence punishable under Sections 363, 366, 376 (D) (A), 342, 34, 376 (3) of the IPC and Sections 5(G), 6, 4 of the Protection of Children from Sexual Offences Act and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.
2. As per the case of prosecution the present applicant along with 2 other co-accused persons have abducted the minor girl and committed gang rape on her.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the prosecutrix was in love with the applicant and she herself had gone with the applicant on her own will. He further submits that in medical examination of the prosecutrix there is no injury found over private parts of the prosecutrix and she has not stated anything in her cross examination regarding the rape committed on her by the applicant and other co-accused persons. He submits that the applicant is in custody since 20.3.2019 and trial will likely to take some time, therefore, the applicant may be released on bail.
4. On the other hand, counsel for the State vehemently opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering the statement of the prosecutrix, who is aged about 15 years and the gravity of offence, I am not inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is dismissed.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE

sunita