

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 756 of 2021**

- Arjun Netam S/o Teeju Netam Aged About 23 Years R/o Shastri Nagar, Near B.M. Sah Hospital, Camp 01, Bhilai, Police Station Chhawani, District Durg, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Bhilai Bhatthi, District Durg, Chhattisgarh. **---- Non-applicant**

For Applicant : Mr. Praveen K. Dhurandhar, Advocate.

For State : Mr. Srikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-03-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 2-9-2019 in connection with Crime No. 40 of 2019 registered at Police Station Bhilai Bhatthi, District Durg (CG) for the offence punishable under Sections 366, 395, 397, 376-D, 328/34 of IPC.
2. Case of the prosecution, in brief, is that the complainant M. Ritesh who is the brother-in-law of prosecutrix, lodged a report in Police Station stating therein that on 11-3-2019 at about 1.00 a.m, the applicant along with other four persons out of which three were minor looted his mobile, some cash and thereafter abducted the victim and committed sexual intercourse with her.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, there is no evidence against the present applicant to the effect that prosecutrix was subjected to rape by him. He would further submit that the evidence collected by the prosecution is also not sufficient to hold the applicant guilty of the aforesaid offence. Out of five accused persons, three persons are juvenile and they have been already enlarged on bail by the co-ordinate Bench of this court. He would further submit that charge sheet has been filed, applicant is in jail since 2-9-2019 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that there is sufficient evidence against the present applicant proving his complicity in the crime in question.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the nature of allegation made against the present applicant along with juvenile in conflict with law that they, five in number, kidnapped the prosecutrix and subjected her to gang rape, the gravity of the offence that the applicant was duly identified in the test identification parade and the material collected by the prosecution, I am not inclined to grant bail to the applicant.

7. Accordingly, the instant bail application is liable to be and is hereby rejected.

Sd/-

(Gautam Chourdiya)
Judge

Raju