

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4307 of 2021

1. Sanju @ Gaddar Chauhan S/o Shri Ramesh Chauhan Aged About 29 Years Caste - Ganda, Occupation - Agriculture, R/o Village - Kalma, Police Station Chandrapur, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh Through The District Magistrate, Raigarh, District Raigarh, Through The Officer In Charge Of Police Station Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Roop Naik, Advocate
For Respondent/State : Shri Sudeep Agrawal, Dy. Adv. Gen.

(Proceedings through Video Conferencing)

Order On Board

By

Prashant Kumar Mishra, Ag. CJ

13-8-2021

1. The applicant has preferred this bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.16/2021 registered at Police Station Sariya, District Raigarh (CG), for the offence punishable under Sections 376D, 342, 323, 506 of the Indian Penal Code.

2. Albeit the prosecutrix and the applicant were in some kind of relationship but the fact remains that when on the invitation of the applicant the prosecutrix reached village Chandrapur, the applicant called another boy and thereafter both of them committed forcible sexual intercourse with the prosecutrix. Even if the conduct of the prosecutrix suggests of her consent in connection with her relation with the applicant, the fact remains that it was this applicant, who called other boy to commit gang rape.
3. Considering the entire facts situation of the case; particularly considering the quality of evidence; and the nature of allegation, I am of the opinion that present is not a fit case to release the applicant on regular bail at this stage.
4. Accordingly, the bail application is rejected with liberty to revive the prayer after examination of the prosecutrix.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri