

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7778 of 2021

Sanju @ Gaddar Chauhan S/o Shri Ramesh Chauhan, Aged About 29 Years
Caste - Ganda, Occupation - Agriculture, R/o Village - Kalma, Police Station -
Chandrapur, Tahsil - Dabhara, District - Janjgir - Champa CG ---- **Applicant**

Versus

The State Of Chhattisgarh, Through - The District Magistrate, Raigarh, District
Raigarh, Through - The Officer In Charge Of Police Station - Sariya, District -
Raigarh Chhattisgarh ---- **Non-Applicant**

For Applicant: Shri Roop Naik, Advocate.
For Non-Applicant/State : Ms. Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25.10.2021

1. This is the 2nd bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.16/2021 registered at Police Station – Sariya, District – Raigarh, Chhattisgarh for the offence punishable under Sections 376-D, 342, 323 and 506 IPC.
2. The 1st bail application has been rejected vide order dated 13.08.2021 passed in M.Cr.C. No.4307/2021 with liberty to revive the prayer after examination of the prosecutrix.
3. Prosecution case in brief is that on 13.02.2021, the prosecutrix was subjected to forceful sexual intercourse by the present Applicant and the co-accused while she was going to meet the wife of the Applicant at his home.
4. Learned Counsel for the Applicant submits that the Applicant has no

connection with the crime in question at all and has been falsely implicated in the same for which, he is in jail since 12.03.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 376-D, 342, 323 and 506 IPC.

5. Per contra, learned Counsel for the State opposed the bail application.

6. Considering the facts and circumstances of the case, the statement of the prosecutrix and the role played by the present Applicant, I am not inclined to grant regular bail to the Applicant.

7. Accordingly, the 2nd bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya