

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2132 of 2016

- Bunt @ Karan Sharma S/O Gulshan Sharma Aged About 26 Years R/O Birgaon, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For appellant : Mr. Vivek Ranjan Tiwari, Advocate

For Respondent/State. : Mr. Gary Mukhopadhyay, Dy. G.A.

(Hon'ble Shri Goutam Bhaduri, J)

Order on Board

(22-04-2016)

1. Heard.
2. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant who has been arrested 09-09-2015 in connection with Crime No. 333 of 2015 registered at Police Station Khamtarai, District Raipur (CG), for the offence punishable under Sections 323, 506-B, 442, 120-B, 376 and 354 of the IPC.
3. Case of the prosecution, in brief, is that on 06-09-2015 written complaint was lodged by the complainant alleging that the present applicant, Bunti Sharma called the victim to meet him then she came to meet him near Nakrayan Hospital then the applicant forced her to drink and thereafter left along with Manik Bagga and thereafter the other co-accused, Manik Bagga committed marpit and rape with her.
4. First bail application was dismissed by this court on 27-10-2015 whereas liberty was granted to the applicant to revive the bail application after examination of the prosecutrix. Thereafter, the applicant has filed Special Leave to Appeal (Criminal) No. 10655 of 2015 before the Hon'ble Supreme Court which had dismissed the same on 16-12-2015.

5. Learned counsel appearing for the applicant submits that second bail application was dismissed on 5-2-2016 on the ground that the prosecutrix has not been fully cross-examined and first bail application was rejected with a liberty to revive the bail after examination of prosecutrix. It is submitted that on earlier occasion the Supreme Court rejected the bail petition on 16-12-2015 considering the fact that liberty was reserved to repeat the bail petition after examination of the prosecutrix. Present is a repeat bail application as the prosecutrix has been examined and nothing has been stated against the applicant by the prosecutrix. He further submits that even father of the prosecutrix was also examined and he has also not supported the case of prosecution.
6. On being specifically asked, learned State counsel has submitted that the statement has been made by the prosecutrix in which nothing has been stated against the present applicant and prosecutrix has not supported the case of prosecution.
7. Taking into consideration the statement of the prosecutrix which is placed on record, without any observation on merit which is finally to be adjudicated by the trial Court at the time of hearing after entire witnesses are examined, I am inclined to grant bail to the applicant.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

Judge