NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5410 of 2018

Ravindra Kumar, S/o Shri Sharman Lal Namdev, aged about 46 years, R/o Atal Awas Manki, Tahsil and District Rajnandgaon (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Somni, District Rajnandgaon (CG).

---- Non-applicant

For Applicant : Mr. Raj Kumar Pali & Mr. Amit Kumar Sahu, Advocates

For Non-applicant : Mr. Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

24.08.2018

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.8/2017 registered at Police Station Somni, District Rajnandgaon for the offence punishable under Sections 365, 366, 376, 506, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant is the Veterinary Doctor. He abducted the prosecutrix and gave threatening to kill her and committed forcibly sexual intercourse with her and made a Video Clip.

3. Counsel for the applicant argued that the prosecutrix was a consenting party and draw my attention as the statement of the prosecutrix recorded by the trial Court. He argued that co-accused Shubham Namdev has already released on bail by the co-ordinate bench of this Court on 09.04.2018 passed in M.Cr.C. No.858/2018, thus the present applicant may also be released on bail.

4. Earlier, the first bail application of the applicant has been rejected by the co-ordinate bench of this Court considering *prima facie* on the merits of the case. At this stage, it cannot be said that prosecutrix was a consenting party. The co-ordinate bench of this Court has given the

observation that co-accused Shubham Namdev is not a main accused so why dealing his bail application. The present applicant is a main accused in the present case.

5. Looking to the above mentioned facts and circumstances of the case, I do not find any new good ground or any change in the circumstances of the case to entertain this second bail application. Consequently, the second bail application of the applicant is rejected.

6. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-