

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5785 of 2019**

- Shyam Bihari Sharma S/o Kedar Sharma Aged About 28 Years Residing At Rarasahpur Post Shorpur Tahsil Hindauncity Police Station Surauth District Karauli (Rajasthan) Present Address Posted As Constable R. P. F. Tumsar Road Nagpur Division Maharashtra District Nagpur (M. H.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Non Applicant

For the Applicant : Mr. Pravin Kumar Tulsyan, Advocate

For Non Applicant : Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.09.2019**

1. Case diary not produced by the prosecution.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
3. Earlier, the first bail application of the applicant was rejected on 26.06.2019 by this Court in MCRC No. 3235/2019.
4. Counsel for the applicant produced copy of the charge sheet relating to Crime No.310/2017 registered at Police Station- Ratanpur, District- Bilaspur (C.G.) for the offence punishable under Sections 376 and

506(II) of the Indian Penal Code.

5. Prosecution story in brief is that prosecutrix is aged about 25 years. She is resident of Chingrajpara, Bilaspur. In the month of October 2015 applicant who was the Constable in RPF took her Khuntaghat forest saying that he introduce her to his officer for getting the job. He committed forcible sexual intercourse with her showing gun, prepared her video, gave threats to kill her. Thereafter he committed repeatedly sexual intercourse with her giving threatening that he will viral her obscene video.
6. Counsel for the applicant submitted that prosecutrix has been examined in the trial Court, she did not support the prosecution case and turned hostile. Thus, he may be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submitted that there is no criminal antecedent against the applicant.
8. As per the certified copy of the statement of the prosecutrix which is the part of the bail application, she had not stated in her statement as per the prosecution case that applicant allegedly took her Khuntaghat forest saying that he introduce her to his officer for getting the job, he committed forcible sexual intercourse with her showing gun, prepared her video, gave threats to kill her. She had made statement in examination in chief that applicant used to meet her alone and made relation. She turned hostile. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
9. Consequently, it is ordered that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge