

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9368 of 2018**

- Ghanshyam Ram Bunkar S/o Parmeshwar Ram Bunkar Aged About 36 Years Occupation Service, R/o Village Incholi (Badekona) P. S. Sanna, District Jashpur Chhattisgarh Present Address Linepara, Semra P. S. Kusmi District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Kusmi District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri A.K. Yadav, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.01.2019

1. 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.
2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 29/2018 registered at Police Station – Kusmi, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 376, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 24.04.2018 at about 11:12 pm in village Bakeentoli, the prosecutrix went to outdoor for toilet, at that time, applicant came there and caught her hand and pressed her mouth and took away her in the field and committed forcible sexual intercourse with her and also threatened to kill her.
4. Learned counsel for the applicant argued that brother, sister of the prosecutrix, other witnesses have also been examined in trial Court and they turned hostile. The prosecutrix did not appear in the trial Court though four chances have been given for her appearance. Thus, he may be released on bail in second round of litigation.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Earlier, the first bail application of the applicant has been rejected by this Court on 24.08.2018 in MCRC No. 5430 of 2018 considering the merits of the case.
7. Looking to the facts and circumstances of the case, this Court finds that prosecutrix is still to be examined, there is no change of the circumstances which may entitle the applicant to get the regular bail in second round.
8. Accordingly, the present bail application is rejected. The trial Court is directed to expedite the trial and dispose off the case as soon as possible preferably within two months from the date of this order.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE