

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9567 of 2018

- Parshotam S/o Thakur Das Aged About 22 Years R/o Keshkal District Kondagaon ,chhattisgarh ,original R/o Baisena ,tahsil And District Dhaulpur Rajasthan Chhattisgarh., District : Dhaulpur, Rajasthan

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Keshkal District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Vishnu Koshta, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.01.2019

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. 74/2018 registered at Police Station – Keshkal District Kondagaon (C.G.) for the offence punishable under Section 376, 506 of the Indian Penal Code.
3. Case of the prosecution, in brief is that prosecutrix is about 19 years old. On 13.07.2018, 14.07.2018 and 16.07.2018, the applicant committed forcible sexual intercourse with her at new house Bhipara, gave threatening that he will kill her if she would disclose the incident to her family members. On 16.07.2018, her sisters inquired from her as to why she is in fear than she narrated them about the incident. Thereafter, she lodged report in the police station, Keshkal.
4. Learned counsel for the applicant drew my attention in the para 6, 7, 8 of the photocopy of the statement of the prosecutrix, statement of Seema Sethiya which are part of the bail application. He submitted that prima facie case is not made out against the applicant, thus, he may be released on bail.
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 26.11.2018 in MCRC No. 5885 of 2018 considering the merits of the case.
7. In earlier bail application this Court had discussed the effect of para 6, 7, 8 of the statement of the prosecutrix. Mere turning hostile of another witness is not ground to grant bail to applicant in second round.
8. There is no change in circumstances.
9. Accordingly, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE