

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7589 of 2019

- Hemant Sahu, S/o Shri Chait Ram Sahu, Aged About 24 Years, Caste- Sahu, R/o Village- Kesala, Police-Station- Shivrinarayan, Civil and Revenue District-Janjgir Champa, Chhattisgarh...(In Jail).

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Janjgir, Civil and Revenue District - Janjgir Champa Chhattisgarh....(Non Applicant),.

---- Respondent

For Applicant	: Mr. Parasmani Shriwas, Advocate
For State/respondent	: Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/01/2020

1. This is 2nd bail application filed on behalf of the applicant for grant of regular bail. First application bearing MCRC No.4631 of 2019 was dismissed as withdrawn vide order dated 20.8.2019 with liberty to revive the same after examination of the prosecutrix.

2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.188/2019 registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 354, 376 & 509 of the Indian Penal Code and Section 67 of the Information Technology Act.

3. It is submitted by the learned counsel for the applicant that the prosecutrix has been examined before the trial Court and perusal of her deposition would make it clear that she is not a reliable witness. It is also made out from her deposition that she was a consenting party throughout. In these circumstances, it is evident that the applicant has not committed any offence. Hence, it is prayed that applicant be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has supported the prosecution case and she is not a hostile witness, hence, applicant is not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the applicant had exploited the prosecutrix for about 5 months on pretext that he will marry her and also by putting her under threat. It is alleged that applicant had also taken some photographs on his mobile phone at the time of the commission of act and used to threaten the prosecutrix on that basis to get her submission. Hence, this case.
7. Considered the material present in the case diary and also certified copy of the deposition of prosecutrix recorded before the trial Court. The prosecutrix is not a hostile witness. Admission and other statement that have been made by the prosecutrix are subject to appreciation, therefore, no comment can be made by this Court while considering on the application for grant of bail. Hence, I do not find any

merit on this application and it is accordingly rejected. However, the trial Court concerned is directed to dispose off the case as early as possible.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha