

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3615 of 2021

Ramesh Kumar Yadav, S/o. Amar Prasad Yadav, Aged About 30 Years,
R/o. Village Basantpur, Police Station Sakti, District Janjgir Champa,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Chakradhar Nagar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Prabhat Kumar Saxena, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

06.08.2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.208/2020 registered at Police Station- Chakradhar Nagar, District Raigarh, for the offence punishable under Section 376(2)(E) 509(B) of Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn on 06.01.2021.
2. As per the prosecution case, the prosecutrix when was studying and took up the job at Ankur Hospital, the present applicant threatening her that she would be removed from the job and committed sexual intercourse and made certain videos. Thereafter when the prosecutrix left and joined some other Hospital, there also the applicant went and gave a threat and committed sexual intercourse at her place. Therefore because of the giving up of the fact that the applicant has causing threat she left the job and went to her house at Kharsiya and narrated the story to her mother. The parents fixed the marriage of the girl wherein the applicant sent

certain obscene video of the prosecutrix thereby her ensuing marriage was canceled.

3. Learned counsel for the applicant submits that the statement of the Superintendent of Ankur Hospital would show that no such report was ever made by the prosecutrix and the applicant was never incharge or in supervision duty, he was only a ward boy. Therefore, had there been any incident, it could have been reported to the Manager/Owner of the Ankur Hospital. He therefore submits that the prosecutrix was consensual party, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he read out the statement of the prosecutrix.
5. After going through the statement of the prosecutrix that certain obscene video has prepared by the applicant and thereafter when the marriage was fixed it was made viral and further taking into the threat and forceful sexual intercourse as narrated by the prosecutrix, I am not inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge