

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8122 of 2021**

- Ramesh Kumar Yadav S/o Amar Prasad Aged About 35 Years Agriculturist, R/o Villlage Basantpur, P.S. Sakti, Tahsil And District Janjgir-Champa (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., P.S. Chakradhar Nagar, District - Raigarh (C.G.)

---- Respondent

For Applicant : Shri Pramod Verma, Sr. Adv. With Shri Virendra Verma, Advocate

For Respondents/State : Shri Vikram Sharma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****22/10/2021**

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 12.08.2020 in connection with Crime No.208/2020 registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (CG) for the offence punishable under Sections 376 (2) (E), 509 (B) of Indian Penal Code and Section 67 of I.T. Act, 2000.
2. The first bail application bearing M.Cr.C. No.6722 of 2020 was dismissed as withdrawn on 06.01.2021 and the second bail application bearing M.Cr.C. No.3615 of 2021 was dismissed on merits on 06.08.2021.
3. 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. The applicant continued to give threat and committed sexual intercourse eventually she left the job; went to her house at Kharsia; and narrated the story to her mother. Subsequently, when the marriage of the prosecutrix was fixed, certain obscene videos were circulated by the applicant thereby her marriage was cancelled.

4. Learned counsel for the applicant submits that now the prosecutrix has been examined, therefore, there is no chance of tampering of witnesses. Thus, there is change in the circumstances. Learned counsel prays that, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Having considered the statement of the prosecutrix, the evidentiary value of the statement is required to be examined during the trial and this Court while hearing the bail application cannot hold the trial so as to adjudicate the issue by giving finding, as it would affect the trial. Therefore, I am not inclined to release the applicant on bail. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Gowri