

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9664 of 2021

- Rupesh Kumar Miri, S/o Shiv Prasad Miri, Aged About 30 Years, R/o Qun. D/178 HTPP Darri, Police Station- Darri, Tahsil Katghora, District Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Darri, District- Korba, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Awadh Tripathi, Advocate
Ms. Reena Singh, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

20/12/2021

1. The applicant has preferred this third bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.191/2020, registered at Police Station Darri, District Korba for the offence punishable under Sections 376, 384, 509 (B) of IPC.
2. The first bail application of the applicant was dismissed in MCRC No.7809/2020 and MCRC No.8424/2020 vide order dated 03.02.2021, however the liberty was reserved in favour of the applicant to repeat the prayer after examination of both the prosecutrix. Thereafter after examination of both the prosecutrix, the applicant preferred the second bail application,

which was also dismissed vide order dated 30.07.2021 in MCRC No.4995/2021 and MCRC No.4765/2021 after considering the statement of both the prosecutrix recorded before the Trial Court.

3. The case of the prosecution in brief is that the applicant committed sexual intercourse with both the prosecutrix, who are real sisters, on the pretext of marriage. The applicant also received Rs.2-2.5 Lakhs from the prosecutrix by blackmailing them that he will upload their private photographs on the internet, thereby he committed the offence.
4. Learned counsel for the applicant read over the statement of the mother of the prosecutrix recorded on 02.08.2021 and submits that in para 11 of her cross-examination, the mother of the prosecutrix has admitted that she and her brother-in-law (Devar) and other persons agreed to implicate the accused in a false case on 17.09.2020, so in view of the said statement and looking to the change in the circumstances, the applicant, who is in jail since 18.09.2020, may be released on bail.
5. Per contra, learned State counsel opposes the bail application and submits that there is no change in the circumstances and the applicant is not entitled for benefit of bail after considering the statement of both the prosecutrix.
6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Considering the facts and circumstances of the case, particularly the fact that this Court after considering the statement of both the prosecutrix rejected the second bail application of the applicant and presently discussion of evidence of mother of the prosecutrix may affect the trial, nature of accusation is very serious and there is no change in the circumstances, this Court does not find fit to enlarge the applicant on bail and the bail application of the applicant is liable to be rejected.
8. Accordingly, the third bail application is rejected. However, the Session Court is expected to expedite the trial as early as possible.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala