

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1199 of 2018

- Govind Dhivar S/o Shri Jayant Dhivar, Aged About 24 Years, R/o. Village - Saragaon, P.S.- Kharora, District- Raipur (C.G.), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- P.S.- Kharora, District- Raipur (C.G.), District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 01-01-2018 in connection with Crime No.330/2014 registered at P.S. - Kharora, District - Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case was a major girl on the date of incident and she was a consenting party. Because of the affair between the applicant and the prosecutrix, both have married and were leading married life when this applicant was arrested and placed in detention. The applicant is having one child from the prosecutrix and presently the prosecutrix is pregnant again. It is the prosecutrix herself who has filed affidavit in support of this applicant. Hence, no case is made out against this applicant. Therefore, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, the minor prosecutrix of aged about 15 years went missing on 01-10-2014. A missing report was lodged by father of the prosecutrix on 04-10-2014. The prosecutrix was recovered on 01-01-2018, subsequent to that, offences have been registered against this applicant.

6. On perusal of the case diary and specifically the statement under Section 164 of the Cr.P.C., the argument advanced on behalf of the applicant finds some support and it appears that the applicant has a case to defend, hence, under these circumstances, I feel inclined to grant bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge