

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3360 of 2019

- Ashwani Kumar Bhardwaj S/o Late Manglu Ram Aged About 24 Years R/o Village Amera, Police Station Palari, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatapara, (Gramin), Disrtict- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri J.K. Saxena, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

28.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 5/2018 registered at Police Station – Bhatapara (Gramin) District – Balodabazar - Bhatapara (C.G.) for the offence punishable under Sections 363, 366-A, 376 of the Indian Penal Code and Sections 4, 6 of the POCSO Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is more than 16 years of age. She is resident of village Khilora. There was a love affair between her and applicant. She had left her parental house and called the

applicant. Applicant took her by enticing and committed repeatedly sexual intercourse with her.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

6. As per the certified copy of the statement of the prosecutrix which is part of the petition, she had stated in examination in chief that she had gone to house of her maternal aunt without intimating anyone in her house. Applicant had committed nothing with her.

7. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available in record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE