

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6633 of 2019

- Prakash Bhardhawaj S/o. Bhajoram Bhardhawaj, Aged About 18 Years 10 months, R/o- Mandali Chowk, Satnami Para, Sarsiva, P.S.- Sarsiva, District- Baloda-Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- S.H.O. - P.S. - Sarsiva, District- Baloda-Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant –Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application before this Court filed by the applicant for grant of regular bail. His earlier application for grant of regular bail, MCRC No.5497/2019 was dismissed as withdrawn. The applicant has been arrested on 03-08-2019 in connection with Crime No.254/19 registered at P.S. - Sarsiva, Revenue & Civil District Baloda-Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366 of the IPC & Section 18 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix has very clearly stated that she had willingly accompanied to this applicant and this applicant has not ravished her. Charge sheet has been filed in the case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is statement of the prosecutrix that this applicant had abducted her. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant went to the house of the prosecutrix who is minor and stating that he wants to marry her abducted her from custody of her lawful guardian and took her to his own house. The prosecutrix was recovered next day.
6. Considering on the facts and circumstances of the case, I feel inclined to allow this application.
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