

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3895 of 2020

- Gautam Kumar Bhardwaj S/o Rajaram Bhardwaj Aged About 21 Years
R/o Village- Nayapara (Dhamaru), P.S.- City Kotwali, Balodabazaar,
District- Balodabazaar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- City-Kotwali, Balodabazaar,
District- Balodabazaar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2020

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 04.06.2020 in connection with Crime No.47/2020, registered at Police Station- Kotwali, Balodabazaar, District- Balodabazaar- Bhatapara, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 04.06.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is not a minor. The applicant and the prosecutrix both loved each other and they have performed marriage. Subsequent to that, they were leading a married life together for some time. Subsequent to which, the prosecutrix has been taken away from the custody of this applicant and false F.I.R. has

been lodged. Hence, it is prayed that this application be allowed.

3. Learned counsel for the State/non-applicant formally opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the prosecutrix went missing on 18.01.2020 regarding which a missing report was lodged. The prosecutrix was then recovered from the possession of the applicant on 04.06.2020. Subsequent to which, on the basis of the statement given by her and also according to investigation, the prosecutrix being a minor, the offence has been registered against the applicant.
6. Considered on the facts and circumstances of this case and also the submissions made by the learned counsel for the applicant. After perusing the statement given by the prosecutrix under Section 164 of Cr.P.C., I am of this view that it is a fit case for granting bail to the 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