

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2764 of 2021

- Krishna Bhardawaj S/o Kartikram Bhardawaj, Aged About 28 Years, R/o Village Kotmi, Police Station Dabhara, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station Dabhara, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Ishwar Jaiswal, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-11-2020 in connection with Crime No.420/2020 registered at P.S. - Dabhara, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that this is second bail application before this Court filed by the applicant before this Court. His first bail application, MCRC No.9148/2020 was dismissed as withdrawn on 25-02-2021. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 19-11-2020. The prosecutrix has been examined in the trial and she is not a reliable witness. Hence, looking to this development, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age below 16 years on the date of incident and further she is not a hostile witness before the Court. Therefore, the

application may be rejected.

4. The prosecutrix is virtually present through Help Desk of the High Court. She has no objection in grant of bail to this applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is not capable of giving consent being minor.

7. Considered on the submissions and also perused certified copy of the deposition of the prosecutrix. As it appears that there is likelihood of delay in trial, therefore, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge