

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3277 of 2021

- Shivprasad Bhardwaj S/o Shri Dughnath, Aged About 32 Years, Caste Satnami, R/o Village Singhora, Tahsil and Police Station Palari, District Baloda Bazar Bhatapara (C.G.), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station Bhatapara (Gramin), District Baloda Bazar Bhatapara (C.G.), District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri C.R. Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-08-2021

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 05-11-2020 in connection with Crime No.104/2016 registered at P.S. - Bhatapara (Gramin), District Baloda Bazar Bhatapara, Chhattisgarh for the offence under Section 363, 366 (a), 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 05-11-2020. Charge sheet has been filed. The prosecutrix has been examined in the trial, she has not supported the prosecution case. There is clear statement of the prosecutrix that she is major and that she has married the applicant and having children. Therefore, there is no case against the applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that on the date of incident the prosecutrix was minor. Further, there are other witnesses who are yet to be examined in the trial. Therefore, the application may be rejected.

4. Complainant Punit Ram is virtually present through Help Desk of High Court. He has 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, this applicant abducted the minor prosecutrix on pretext of marrying her and then he exploited her sexually knowing well that she was minor and therefore was not capable of giving consent.

7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix. She has been declared hostile witness by the prosecution. Looking to her statement before the Court and other developments, 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