

# Nemichand Dhivar vs State Of Chhattisgarh on 18 February, 2025

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2025:CGHC:8511

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 614 of 2025

1 - Nemichand Dhivar S/o Late Gopal Dhivar Aged About 24 Years R/o Bhainsbod Thana Kurud, District- Dhamtari, Chhattisgarh.

... Applicant

versus

1 - State Of Chhattisgarh Through Thana Abhanpur, District- Raipur, Chhattisgarh.

... Respondent(s)

For Applicant : Mr. Vikash A. Shrivastava, Advocate For Respondent(s) : Mr. G.L. Uikey, Panel Lawyer Hon'ble Shri Justice Arvind Kumar Verma, Judge Order on Board 18/02/2025

1. This is the first bail applications filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicant who has been arrested on 04.01.2025 in connection with Crime No. 02/2025, registered at Police Station- Abhanpur, District-Raipur (C.G.) for the offence punishable under Section 64 of BNS and Section 04 and 6 of POCSO Act, 2012.

2. The victim along with her mother appeared through DLSA Raipur (C.G.) and supported the bail application filed by the applicant.

3. Brief facts of this case are that the applicant and prosecutrix had affair and due to this they established physical relation and when this fact came to knowledge of parents of prosecutrix they pressurized her to lodge false report against applicant.

4. Learned counsel for the applicant contended that the applicant is innocent and had no connection with the alleged crime. Also he is in jail since 04.01.2025 and conclusion of trial is likely to take

some time. Therefore, he prays for grant of bail to the applicant.

5. Learned State Counsel has opposed the contentions raised by the counsel for the applicant and submits that all the evidences are against the applicant.

6. I have heard learned counsel for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, that the applicant has no criminal antecedents and considering the statement of the victim and her mother, further the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.

8. Let the applicant- Nemichand Dhivar, involved in Crime No. 02/2025 registered at Police Station Abhanpur, District-Raipur (C.G.), for the offence punishable under Section 64 of BNS, 2023 and Sections 4 and 6 of POCSO Act, 2012 be released on bail on his furnishing a bail bond of Rs. 10,000/- with two sureties in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bhartiya Nyaya Sanhita, 2023

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS, is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of Bhartiya Nyaya Sanhita, 2023.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 BNSS. If in the opinion of the trial court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

9. However, this Court hopes and trusts that the if the charge sheet is submitted against the applicants, the Trial Court shall make an earnest endeavour to conclude the trial as soon as possible in accordance with law, if there is no legal impediment.

10. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-

(Arvind Kumar Verma) JUDGE Madhurima