

# Shobhanath Basor vs State Of Chhattisgarh on 17 January, 2025

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2025:CGHC:3222

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 63 of 2025

1 - Shobhanath Basor S/o Late Rajman Basor Aged About 49 Years R/o Village Navgai  
(Tikritola) Chowki Khutar, P.S. Baidhan, District Singrouli (M.P.)

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District  
M.C.B. (C.G.)

... Respondent(s)

For Applicant : Mr. Vivek Kumar Agrawal, Advocate For Respondent(s) : Mrs. Priya Sharma, Panel  
Lawyer Hon'ble Shri Justice Arvind Kumar Verma Order on Board 17/01/2025

1. This is the first bail application filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 247/2024 registered at Police Station-Chirmiri, District MCB (C.G.) under Section 137(2), 87, 64(2)( ), 3(5) of BNS, 2023 and Section 4 and 6 of POCSO Act, 2012.

2. The prosecutrix along with her father appeared before this Court through DLSA, Chirmiri and raised an objection.

3. The case of the prosecution, in brief, is that the complainant who is father of the victim, has lodged missing report to concerned police station Chirmiri against unknown person that on date of incident the prosecutrix has gone to anywhere without giving information to her relative from her house and police has registered as missing report against unknown person and after recovery of the prosecutrix the police registered the offence punishable under Section 137(2), 87, 64(2)( ), 3(5) of BNS, 2023 and Section 4 and 6 of POCSO Act, 2012.

4. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the alleged crime, he has not committed any offence as alleged against him. He further contended that there was love affair between the prosecutrix and other co- applicant Sahil Dahariya. He later submits that the applicant has no criminal antecedent and he is in jail since 12.11.2024 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

5. On the other hand, learned counsel appearing for the State would oppose the bail application and also endorse the said submission that the applicant has no criminal antecedent.

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

7. Perusal of record shows that there was a love affair between the prosecutrix and the co-applicant Sahil Dahariya and it is a case of elopment. Taking into consideration the facts and circumstances of the case, and looking to the nature of the offence and the fact that the applicant has no criminal antecedents and he is in jail since 12.11.2024, 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- Shobhanath Basor, involved in Crime No. 247/2024 registered at Police Station Chirmiri, District MCB (C.G.), for the offence punishable under Section 137(2), 87, 64(2) ( ), 3(5) of BNS and Section 4 and 6 of POCSO Act, 2012 be released on bail on their furnishing a 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 Nyay 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 applicant 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 applicant, the Trial Court shall make an earnest endeavour to conclude the trial expeditiously 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