

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.685 of 2017**

- Raja Nikose S/o Kailash Nikose, Aged About 19 Years R/o Near Firantin Mandir, Ward No. 42 District Rajnandgaon Chhattisgarh

**---- Petitioner**

**Versus**

- State Of Chhattisgarh Through Police Station Basantpur, District Rajnandgaon Chhattisgarh

**---- Respondent**

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| For Petitioner       | : | Shri Parag Kotecha, Advocate |
| For Respondent/State | : | Shri Manish Nigam, PL        |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Order On Board**

**06/02/2017**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.124/2016 registered at Police Station Basantpur, District Rajnandgaon for the offence punishable under Section 354-A/2, 506, 354-D, 341/34 of IPC and Section 11(1,4), 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 25 & 27 of the Arms Act.

3. Case of the prosecution is that the applicant was involved in stalking with girl along with other accused, who is less than 18 years of age.

4. Learned counsel for the applicant submits that other accused have already been granted bail and the bail application of the present applicant has been rejected on the ground of pendency of number of criminal cases against him. He submits that at this stage, the applicant has suffered pre-trial detention of 3 & ½ months and the trial is not likely to be concluded early as also looking to the extent of overt act committed by him, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that though other accused have been granted bail, case of the present applicant is different, because number of criminal cases have been registered against him. He also submits that the applicant is a habitual offender and the manner, in which, the prosecutrix was alleged to have been threatened and recovered from the possession of the applicant, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 21-10-2016 and looking to the nature and extent of overt act committed by the applicant along with other accused as also looking to the maximum punishment, which could be awarded for the offences alleged, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted. It is made clear that if the applicant is again found involved in similar act or trying to contact with the complainant or involved in any kind of similar activity, the prosecution may apply for cancellation of bail.

Sd/-

**(Manindra Mohan Shrivastava)**

**J U D G E**