

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6316 of 2017

- Rajesh Vaishnav @ Sonu S/o Late Laxman Vaishnav Aged About 19 Years R/o Kanak Nagar, Ward No. 9 , Chhuikhadan, Post Office & Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Chhuikhadan, District - Rajnandgaon (Chhattisgarh).

---- Respondent

For Petitioner	:	Shri Abhishek Sharma, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/10/2017

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.202/2016 registered at Police Station Chhuikhadan, District Rajnandgaon for the offence punishable under Section 507, 509 of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act.

3. The applicant has filed this application seeking bail in view of his arrest due to non-appearance before the trial Court on the earlier date of hearing.

4. Learned counsel for the applicant submitted that after the bail was granted by this Court, the applicant furnished solvent surety and bond before the trial Court and he was regularly appearing before the trial Court, but due to illness of applicant's mother, he could not appear before the trial Court on 22-07-2017, thereafter, his bail bond was cancelled and he was arrested. The applicant is in jail since 11-08-2017. He submits that one opportunity may be

granted to the applicant on the undertaking that he will continue to appear before the trial Court on all future dates unless he is exempted.

4. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that bail was granted to the applicant by this Court on the condition of regular appearance, which he failed to do, therefore, his bail bonds were cancelled and if bail application is allowed, the applicant is likely to abscond, which will hamper the trial.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the reason assigned for non-appearance on the solitary date of appearance on 22-07-2017 and before that, the applicant was regularly appearing before the trial Court and also keeping in view the concerns of personal liberty, I am inclined to grant one more opportunity to the applicant, the application at this stage is accordingly allowed.

6. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.30,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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