

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1544 of 2017**

- Munna Thakur S/o Kedar Singh Thakur, Aged About 17 Years R/o Kerusa, Police Station Gadawa, District Chhapra (Bihar) At Present Shauki Nagar, Kirodimal Nagar, Police Station Kotra Road, District Raigarh Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotra Road, District Raigarh Chhattisgarh

---- Respondent

For Applicant	Mr. Ashish Gupta, Adv.
For Respondent/State	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27/03/2017**

1. Heard finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant, who has been arrested in connection with Crime No. 79/2016 registered at Police Station Kotra Road, District Raigarh (CG) for the offence punishable under Sections 342 on 2 counts, 342 on 2 counts, 354 A, 324, 506-II IPC and Sections 10 of the Protection of Children from Sexual offences Act, 2012 on 2 counts.
3. Learned counsel for the applicant would submit that the applicant is aged about 17 years at the time of incident. He was arrested on 27.3.2016 and till date he is custody. Charge sheet has been filed against the present applicant. After appreciation that he is above the age of 16 years and below 18 years under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 under Section 18 (3) directed that the case of the present applicant be transferred for its

trial before the Children's Court having power to try such offence. Presently, the matter is pending before the Additional Sessions Judge (FTC), Raigarh/ Children's Court duly authorized. Any of the allegation against him is punishable up to R.I. for 7 years. He is the first offender and will not commit any offence in future, therefore, he may be enlarged on bail during trial.

4. On the other hand, learned counsel for the State opposed the bail application.
5. Perused the material available on record.
6. On due consideration of the age of the applicant, he is in custody for almost 1 year and trial will take some time and on both the occasion though opportunity, the applicant has not acted for the finality of the offence, i.e. commission of rape, I am inclined to allow the instant MCRC.
7. Consequently, the MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 40,000/- with two solvent sureties of the like sum to the satisfaction of the concerned trial Court for his appearance before the said trial Court as and when directed by the said Court.
8. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is

cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge