

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1679 of 2017**

Ram Krishna S/o Samaru Kewat, Aged About 33 Years R/o Village Darra, Police Station Kasdol, Civil & Revenue District Baloda Bazar Bhatapara , Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Bilaigarh, Civil & Revenue District Balodabajar- Bhatapara, CG.

---- Respondent

For applicant	Mr. Janak Ram Verma, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****3/5/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 18-2-2017 in connection with Crime No. 67/2017 registered in PS Bilaigarh, Distt. Baloda Bazar Bhatapara for offence punishable under Section 354, 294, 506/34, 341, 323 of the IPC and Section 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act')
3. Learned counsel for the applicant submits that after investigation, police has filed charge sheet and the matter is pending before the Special Judge, POCSO Act, Baloda Bazar, Distt. Baloda Bazar Bhatapara as Special Case No. 15/2017. The trial Court has granted bail to co-accused Dewar Kewat. This Court also granted bail to co-accused Teejram Kewat in MCRC No. 1821/2017 vide order dated 24-4-2017. The case of the present applicant is similar to that of the co-accused Teejram Kewat who has been granted bail by this Court. The applicant is in jail for last 2 and half months. The applicant is the first offender. He will not commit any offence in future. He may be given an opportunity. Trial may take time. Therefore he may be granted bail.

4. Learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is first offender, he is in jail since 2 and half months, I am of the considered view that the applicant may be granted an opportunity to live in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the Special Judge, POCSO Act, Baloda Bazar for his appearance before the said Court regularly as and when directed by the said Court.
7. 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge