

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1764 of 2017**

Ankit Gupta S/o Manoj Gupta, Aged About 19 Years R/o Beljora Police Station Sitapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station - Sitapur, District- Surguja, Chhattisgarh.

---- Respondent

For applicant	Mr. A.K. Prasad, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 12-2-2017 in connection with Crime No. 33/2017 registered in PS Sitapur, Distt. Surguja for offence punishable under Section 354(d) of IPC and Section 11 sub-section (4) of the Protection of Children From Sexual Offences Act, 2012. Charge sheet has been filed and the same is registered as Special Criminal Case no. 8/2017 pending before the Addl. Sessions Judge (FTC), Ambikapur.
3. Learned counsel for the applicant submits that the applicant is the first offender. No criminal antecedent is reported by the police in the case diary. He is in jail for last more than 2 months. He is aged about 19 years. If bail is granted, he will not repeat the offence. Hence he may be granted bail. As per prosecution case, the applicant repeatedly followed the prosecutrix and used vulgar and obscene words and also in the mobile attempted to contact despite disinterest shown by the prosecutrix.
4. Per contra, learned State counsel opposes the bail application and submits that as per facts of the case the applicant attempted to

contact the minor prosecutrix and used vulgar and obscene words against her will. Looking to the act of the applicant, the bail application may be rejected.

5. Perused the entire material.
6. On due consideration of the fact that the applicant is in jail for last more than 2 months, he is aged about 19 years, the police has completed investigation and filed charge sheet which is pending trial, the applicant has no criminal antecedent, and as submitted he will not repeat the offence, I am inclined to allow instant MCRC. 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the Addl. Sessions Judge (FTC), Ambikapur CG for his appearance before the said Court regularly as and when directed by the said Court till trial.
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