

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1909 of 2017**

Rajesh Sahu S/o Shri Narayan Lal Sahu Aged About 40 Years By
Caste- Teli, R/o Village- Chawad, Thana- & Tahsil- Narharpur , Civil &
Revenue District- North Baster Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Narharpur, Civil & Revenue District- North Baster Kanker, CG.

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 20-2-2017 in connection with Crime No. 37/2017 registered in PS Narharpur, Distt. North Bastar, Kanker (CG) for offence punishable under Section 354 and 451, IPC. Charge sheet has been filed before Chief Judicial Magistrate, Kanker on 29-3-2017 which has registered the same as Criminal Case No. 347/2017.
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. As per allegation, he trespassed in the house of prosecutrix and made assault to outrage her modesty. When the prosecutrix objected the same and applied teeth bite in his finger, the applicant ran away from the spot.
4. Per contra, learned State counsel opposes the bail application. However he fairly concedes that no criminal antecedent of the applicant is reported in the police case diary.

5. Perused the case diary.
6. Looking to the period of detention, the offence registered against the applicant and as the applicant is first offender and further when the prosecutrix objected and applied teeth bite, he ran away despite there was none to save the prosecutrix at the moment, 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 CJM, North Bastar, Kanker CG 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 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