

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1968 of 2017**

- Devendra Bahadur Singh S/o Shri K. B. Singh, Aged About 37 Years R/o Ward No. 15, Nagar Panchayat New Laderi, Thana Jhagrakhand, District Korea Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Jhagrakhand, Civil And Revenue District Korea Chhattisgarh

---- Respondent

For Applicant : Dr. NK Shukla, Sr. Advocate with Shri
Vikram Sharma, Advocate
For Respondent/State : Shri Ashish Shukla, Govt. Advocate
Shri CP Soni, Advocate for complainant/objector.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.19/2017 registered in Police Station Jhagrakhand, Civil and Revenue District Korea for the offence punishable under Sections 354, 354-A, 354-B, 354-D, & 341/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.02.2017, after investigation, concerned police has filed charge sheet against the present applicant and another co-accused Ramakant Sahu, which is pending as Criminal

Case No.27/17 before Judicial Magistrate First Class, Manendragarh. The applicant is the first offender, he is in jail for two months and 17 days, the trial may take some time, the offence is not punishable for life imprisonment or for death penalty. The applicant is the permanent employee as Revenue Inspector posted at Nagar Panchayat, New Laderi, he will not commit any offence in future, hence he may be granted bail. He further submits that the applicant is a handicapped person to the extent of 50%, there is no chance for his absconding.

4. Per contra , learned counsel for the State opposes the bail application and would submit that the applicant sent messages to the prosecutrix earlier and on 29.01.2017, on a holiday, called the prosecutrix, who is working as computer operator there. When she came to the Office, the applicant used criminal force to outrage her modesty and also gave offer for physical relationship and also chased her when she resisted and attempted to go out from the office. At that time, co-accused Ramakant Sahu also helped the present applicant in the matter. Hence, looking to the fact that the applicant is the employee of Nagar Panchayat, used criminal force to a woman to outrage her modesty including attempt to disrobe her, the instant application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is the first offender, regular employee, Revenue Inspector of Nagar Panchayat, he has no criminal antecedent, he is in jail for about 2 months and 17 days, charge sheet has been filed, there is no apprehension for his absconding, the trial may take

sometime for its conclusion, though the offence committed by the applicant is of serious nature, looking to the entire facts and circumstances, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.40,000/- with one solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Manendragarh for his appearance before the said Court as and when directed.

9. 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; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE