

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2046 of 2017**

- Murari Lal Sahu S/o Shri Teerath Lal Aged About 42 Years R/o MIG Sahyog Park, Mahaveer Nagar Thana- New Rajendra Nagar, Tehsil- Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office Thana New- Rajendra Nagar District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Roshan Dubey, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.4.2017**

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.43/2017 registered in Police Station New Rajendra Nagar, Distt. Raipur for the offence punishable under Section 341& 354A(1) of the IPC and under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.02.2017, after investigation charge sheet has been filed against the applicant before 7th Additional Sessions Judge (FTC) Raipur/Special Judge under POCSO Act.

The applicant is the first offender, he is in jail for about two months and six days, he will not commit any offence in future, the trial may take sometime for its conclusion, hence, the applicant may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that as per the statement of the prosecutrix recorded under Section 161/164 of the Cr.P.C., the applicant used criminal force to outrage the modesty of a female child and committed sexual assault more than once or repeatedly as the prosecutrix was below the age of 12 years. Looking to the facts and circumstances, and age of the prosecutrix, the application may be dismissed.

5. Perused the entire material.

6. There is no criminal antecedent noticed against the applicant during investigation. The present applicant is in jail since two months and six days, charge sheet has been filed, the trial may take sometime and the applicant would submit that he will not commit any offence in future, I am inclined to grant one opportunity to the applicant so that he may remain in the society without committing 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.50,000/- with two

solvent surety of Rs.25,000/- each to the satisfaction the trial Judge 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