

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1959 of 2017

1. Kamleshwar Khandekar S/o Sahasram Khandekar, Aged About 25 Years R/o Village Parsadih, Police Station Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through the Station House Officer, Police Station Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Shri S.K.Guha, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.66/2017 on 17-02-2017 by Bilaigarh, District Baloda Bazar-Bhatapara, C.G. police for the offence under Section 354, 506B of the IPC. Learned counsel for the applicant is not in a position to state the criminal case number. The applicant is in jail as per order of the JMFC Bilaigarh, District Baloda Bazar. He will not commit any offence in future. He may be granted liberty to face the trial on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that looking to the manner by which the applicant used criminal force against the prosecutrix, the application may be dismissed.
4. Perused the entire material.
5. On due consideration, I am inclined to allow the instant MCRC. Consequently, the instant MCRC is hereby 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 Judicial

Magistrate First Class Bilaigarh, District Balodabazar-Bhatapara, C.G. for his appearance before the said trial Court as and when directed.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE