

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2019 of 2017

1. Santram @ Chhotu S/o Than Singh, Aged About 22 Years, Caste- Kenwat, Occupation- Labour & Cultivator, R/o Village- Devri, Police Station Komakhan, Tahsil- Bagbahra, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through : Station House Officer, Police Station - Komakhan, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.11/2017 on 07-02-2017 by Komakhan police, District Mahasamund, C.G. for the offence under Section 354, 452 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012. After investigation police had filed the charge sheet which is pending before the Additional Sessions Judge (FTC) Mahasamund, C.G., registered as Criminal Case No.H11/17. The applicant is aged about 22 years with no any previous criminal antecedent. He is permanent resident of District Mahasamund. He will not commit any offence in future. He may be granted bail so that he may contest the matter while in bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant though fairly conceded that there is no earlier criminal antecedent reported by Komakhan police in the case diary.
4. Perused the entire material.

5. On due consideration, as the applicant is in jail for more than two months, he is the first offender with no earlier criminal antecedent and as submitted he will not commit any offence in future, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and contest the matter as on bail. 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 Additional Sessions Judge (FTC) Mahasamund, 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