

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2124 of 2017**

Santosh Kumar S/o Rajman, Aged About 20 Years R/o Village Sadadi,
Police Station Benoor, District Narayanpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Benoor, District
Narayanpur, Chhattisgarh

---- Respondent

For applicant	Mr. Vishnu Koshta, Adv.
For Respondent/State	Mr. Arvind Shuka, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 17-3-2017 in connection with Crime No. 9/2017 registered in PS Benoor, Civil Distt. Kondagaon, CG for offence punishable under Section 497, 498, 363, 366 and 506 of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Additional Sessions Judge, Kondagaon as ST No. 55/2017. This is his first bail application before this Court. He is first offender. He submits that date of birth of the prosecutrix is 20-7-1996. The date of incident is 15-2-2017. With this the prosecutrix was major at the time of incident. The police has recorded statement of the prosecutrix under Section 161 of the Cr.P.C. wherein she states that she of her own went along with the applicant. Looking to the entire facts, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the bail application.
5. Perused the matter.

6. After perusal of the material collected regarding the age of the prosecutrix, statement of the prosecutrix recorded under Section 161 of the Cr.P.C., without commenting anything on the merit of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. 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. 50,000/- with one solvent surety of the like sum to the satisfaction of the Additional Sessions Judge, Kondagaon 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 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