

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2317 of 2017**

1. Gaiindu Lal Sinha S/o Bhagoli Ram Sinha, Aged About 50 Years, R/o Dodki, Tahsil: Dhamtari, Police Station: Arjuni, Revenue & Civil District: Dhamtari, Chhattisgarh.

**---- Applicant**

**Versus**

1. State of Chhattisgarh Through: Police Station: Arjuni, District: Dhamtari, Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**15-05-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.27/17 on 17-03-2017 by police of P.S. Arjuni, District Dhamtari, C.G. for the offence under Section 456, 354A of the IPC and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act, 1989'). Charge sheet has been filed, the same is pending before the Special Judge under the Act, 1989 Dhamtari, C.G. as Special Sessions Trial No.132/17. The applicant is first offender. He will not commit any offence in future. He is in jail for about two months. Trial may take some time. The offence is not punishable with imprisonment for life. He may be granted bail till trial. As per the allegation, the applicant entered into the house of the prosecutrix and held her right hand to outrage modesty. Thereafter, the prosecutrix made protest and called for help. When the neighbours came, the applicant fled away from the spot.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that though there is no any earlier criminal antecedent, but looking to the fact of the matter

as the applicant trespass in the house of the prosecutrix and committed such act, the instant MCRC may be dismissed.

4. On due consideration, as the applicant is in jail since about two months, he is first offender, charge sheet has been filed, trial may take some time, 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 remain peacefully in society. 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.40,000/- with one solvent surety of the like sum to the satisfaction of the Special Judge under the Act, 1989 Dhamtari, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

5. 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.

6. Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
**JUDGE**