

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2799 of 2017**

Raju Satnami S/o Ramcharan Satnami Aged About 20 Years R/o Village- Chhirradih (Wrongly Mentioned Derradih In The Order Sheet), Police Station Jaijaipur, District- Janjgir-Champa CG

---- Applicant**Versus**

State Of Chhattisgarh Through : Station House Officer, Police Station Jaijaipur, District- Janjgir-Champa, CG

---- Respondent

For applicant	Mr. Vimlesh Bajpai, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17/05/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 164/2014 registered in PS Jaijaipur, Distt. Janjgir Champa (CG) for offence punishable under Section 354(A) of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (In brevity 'Act of 2012').
3. Learned counsel for the applicant submits that this is a bail jump case. The applicant was earlier granted bail by the Court below on 22-7-2014, thereafter he was taking part in the trial. On account of his non-appearance, the trial Court issued warrant of arrest on 5-12-2016. In compliance of warrant of arrest issued by the trial Court, the applicant was arrested on 2-3-2017 again. Since then he is in custody. He further submits that the applicant will not repeat this act and will take part in the trial. He may be granted bail.
4. Learned State counsel opposes the arguments advanced on behalf of the learned counsel for the applicant.
5. Perused the matter.

6. The applicant was granted bail by the trial court earlier, he jumped the bail and presently he is in custody since 2 months and 15 days thereby he has enough tasted the post effect of absence in the trial. Further as the applicant submits that he will not repeat the act and will regularly take part in the trial, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the 1st Additional Sessions Judge, Sakti, Distt. Janjgir Champa/ trial Court, 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. The trial Court is directed to proceed against the applicant and the surety under the relevant provisions of Section 446 and other provisions of the Cr.P.C. if not proceeded earlier, in accordance with law and decide those matter for forfeiture and realization of bail bond as per law.
9. While hearing of the matter, it appears that the matter is registered before the trial Court as Special Sessions Trial No. 5/2015. On due consideration, as per provisions of Section 28 of the Act of 2012, the

Court of Sessions is notified to be a special court to try the offences under the Act of 2012. As per Section 33 of the Act of 2012, the Special Court may take cognizance of any offence without the accused being committed to it for trial upon a police report of such facts as in the present matter, police station Jaijaipur had filed charge sheet directly to the Court below on 28-8-2014. With this, as the matter is not at all committed by the Judicial Magistrate under relevant provisions of Section 209 of the Cr.P.C. nomenclature of the matter pending before the trial Court shall be 'special criminal case under the Act of 2012', not the special ST. The court below is directed to immediately correct the nomenclature of the matter and not to repeat such mistake of registration of a matter wrongly in future.

10. Copy of all concerned.

11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge