

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3222 of 2017**

- Rashid S/o Islam Mansoori, Aged About 21 Years Presently R/o At Kharsiya Naka, Nearby Masjid, Ambikapur, Police Station And Tahsil Ambikapur, District- Surguja, Chhattisgarh, Permanent R/o Village Charcha Colliery, Police Station Charcha Colliery, Tahsil Baikunthpur, District- Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station Housse Officer, Police Of Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.99/2017 registered in Police Station Ambikapur, Distt. Surguja (CG) for the offence punishable under Sections 419, 509(B), 354(1)(ii) & 469 of the Indian Penal Code and under Sections 66D, 67A and 67B of the Information Technology Act, 2000.

3. Learned counsel for the applicant submits that the applicant has been arrested on 06.3.2017, after investigation, concerned police has filed charge sheet, which is pending as Criminal Case

No.584/17 before Chief Judicial Magistrate, Ambikapur. As per the allegation, the applicant has prepared fake ID and Face Book account in the name of one Admaya Agrawal and there after sent obscene messages, photographs and other communications to the prosecutrix (name not mentioned). The applicant is aged about 21 years, first offender, he will not commit any offence in future, hence he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant and would submit that looking the entire act committed by the applicant, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in custody since four months and seven days, charge sheet has been filed, trial may take sometime, the applicant is aged about 21 years, first offender, he will not commit any offence in future. On due consideration of the entire facts, I am inclined to grant one last opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two separate solvent sureties of Rs. 50,000/- to the satisfaction of Chief Judicial Magistrate, Ambikapur for his appearance before the said Court as and when directed.

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

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Ambikapur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Ambikapur as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary

to be returned to the concerned police for compliance and information.

Certified copy today itself.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE

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