

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3270 of 2017**

Girdhari Patel S/o Hariram Patel Aged About 20 Years R/o Vikas Nagar
Sitamani, Koraba, District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S H O Police Station Kotwali, District-
Korba, Chhattisgarh.

---- Respondent

For applicant	Mr. Ishwar Jaiswal, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 30-3-2017 in connection with Crime No. 34/2017 registered in PS Kotwali, Distt. Korba for offence punishable under Section 363 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (in brevity 'Act of 2012').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Special Judge under the Act of 2012/Additional Sessions Judge, FTC, Korba as Special Criminal Case (Act of 2012) No. 8/2017. This is his first bail application before this Court. He is first offender and aged about 17 years. He is in custody since long. Trial may take some time. He will not commit any offence in future and he had not acted or exceeded his act for more grievous offence though opportunity was available with him.
4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant.

5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 3 months and 10 days, looking to the allegation, statement of the complainant, father of the prosecutrix and other evidence collected against the applicant 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the trial Court 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