

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3516 of 2017**

- Pradeep Sahu S/o Rekh Ram Sahu, Aged About 29 Years R/o Shanker Nagar, Ward No.1, Mahasamund, Police Station, Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Gurudev I Sharan, Advocate
 For Respondent/State : Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11.7.2017**

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.45/2017 registered in Police Station Mahasamund, Distt. Mahasamund (CG) for the offence punishable under Section 376 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.02.2017. After investigation, concerned police has filed charge sheet against the present applicant, which is pending before Additional Sessions Judge (FTC) Mahasamund as Session Trial No.32/2017. Learned counsel for the applicant submits that in the written report and FIR lodged against the applicant the incident was shown as between 2010 till 2014. Report

has been lodged on 29.01.2017. In the written report, FIR, statement recorded under Sections 161 and 164 of the Cr.P.C. prima facie there is no material so as to constitute offence under Section 376(1) of the IPC under the ambit of Section 375 of the IPC. Looking to the entire facts and the evidence collected, the applicant may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that there are prima facie material exist regarding constitution of rape, hence his bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the written report, FIR, statements recorded under Sections 161 & 164 of the Cr.P.C., without commenting anything on its merits, I am inclined to grant one opportunity to the applicant, so that she 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Additional Sessions Judge (FTC), Mahasamund 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE