

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3586 of 2017

- Om Prakash Jaiswal S/o Chandrika Prasad Jaiswal, Aged About 34 Years, R/o Village Lawan, Police Chowki Lawan, District Baloda Bazar-Bhatapara, Chhattisgarh.
- Fagulal Ratre S/o Ramdas Ratre, Aged About 30 Years, R/o Village Lawan, Police Chowki Lawan, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Lawan, Police Station Bilaigarh, Civil & Revenue District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Pushpendra Kumar Patel, Advocate.

For Respondent – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants are held arrested in connection with Crime No.158/2017 by Police Chowki Lawan, P.S. Bilaigarh, District Baloda Bazar-Bhatapara C.G. for the offence under Section 354/34 of the IPC on 02-05-2017. As per the allegation, both the applicants had taken the prosecutrix (name not mentioned) to drop her at Gidhouri and thereafter used criminal force with intention to outrage the modesty and gave her threat, so she lodged the report after 7 days. After investigation police had filed the charge sheet which is pending before the JMFC Bilaigarh, Distt. Baloda Bazar-Bhatapara, C.G. as Criminal Case No.212/17. The applicants are first offender. This is the first bail application. They will not commit any offence in future. They may be granted bail during the trial.
3. Per contra, learned counsel for the State/non-applicant opposed the

argument advanced on behalf of the applicants on the basis of the act committed by them and the threat given to the prosecutrix so she lodged the report after 7 days.

4. Perused the entire material.

5. As both the applicants are in custody since one month and 18 days, charge sheet has been filed, trial may take some time, there is no other criminal antecedent of both the applicants and as submitted they will not commit any offence in future, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs. 25,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaigarh, Distt. Baloda Bazar-Bhatapara, C.G. for their appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE