

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3675 of 2017**

- Kamlesh Sonat S/o Shri Bhagatram Sonat Aged About 35 Years R/o Village, Chhapoura, Police Station, Bilaigarh(But Wrongly In Bail Order Written Police Station- Bhatapara), District Baloda-Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its District Magistrate Bilaspur By Police Station Incharge, Sarkanda, Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Suresh Kumar Pandey, Advocate
For Respondent/State : Shri Sumit Jhawar, 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.318/2017 registered in Police Station Sarkanda, Bilaspur Distt. Bilaspur (CG) for the offence punishable under Sections 452, 354, 294, 506 of the Indian Penal Code and under Sections 66 & 67 of the Information Technology Act, 2000.

3. Learned counsel for the applicant submits that the applicant has been arrested on 04.5.2017. After investigation, concerned police has filed charge sheet against the present applicant, which is pending before Judicial Magistrate First Class, Bilaspur as Criminal Case No.2011/2017. Learned counsel for the applicant submits that

the applicant is having Ayurvedic Medicine Degree and was working in the Health Department. The prosecutrix was also working in the office of Chief Medical and Health Officer, Bilaspur. After the incident, the applicant was either suspended or removed from his post. As per the allegation, prior to 03.5.2017 the applicant sent obscene messages in the cell phone of the prosecutrix and thereafter on 03.5.2017 as alleged he entered in the house of the prosecutrix and caught hold her hand, when the prosecutrix shouted for help her brother reached on the spot and the applicant fled away from the spot. The applicant will not commit any offence in future, he is in jail since long and he has no criminal antecedent reported against him. Hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the manner in which the applicant had committed the act, and prior to the date of incident he was sending obscene messages on the cell phone of the prosecutrix., but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for two months and seven days, he is the first offender, initially the applicant was working at Bhatapara prior to his arrest, on consideration of the period of detention, as per the facts surfaced immediately when the prosecutrix shouted for help brother of the prosecutrix reached on the spot and the applicant run away fro the spot goes to show his entire preparation and courage. On due consideration of the entire facts, 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.30,000/- with one solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Bilaspur 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. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix and witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the witnesses and the prosecutrix may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant gave pressure or any attempt for any illegal favour in

the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicant in custody including other measures as provided under the law.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE