

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3806 of 2017**

- Golu S/o Son Singh Kewart, Aged About 27 Years R/o Village Tilda (Dongra), Thana & Tahsil Kasdol, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Outpost Lawan, Police Station Kasdol, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh,

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.7.2017**

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.177/2017 registered in Outpost Lawan, Police Station Kasdol, Distt. Baloda Bazar -Bhatapara (CG) for the offence punishable under Sections 354 & 454 of the Indian Penal Code and under Section 3(2)(va) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 15.5.2017, charge sheet is not yet filed, the applicant has been remanded by Judicial Magistrate First Class,

Kasdol. Learned counsel for the applicant submits that in the present matter the incident is of 21.4.2017 at 11.00 am but the written report and First Information Report has been lodged on 25.4.2017 at 2.25 pm. Reason for the delay in filing the FIR is mentioned as on account of loss of reputation. Learned counsel for the applicant submits that the applicant has been falsely implicated on account of the incident that when the applicant was passing near the house of the prosecutrix in a motor cycle, the prosecutrix was sitting nearby along with her child, the child suddenly reached in the middle of the road and thereafter as per the allegation the incident happened. The applicant has been falsely implicated purposely after four days of the incident. He is the first offender, he will not commit any offence in future, hence he may be granted bail and also the trial may take sometime for its conclusion.

4. Per contra, learned counsel for the State opposes the bail application and would submit that the child of the prosecutrix reached in the middle of the road, the applicant assaulted her in the name of her caste and thereafter he tried to outrage the modesty of the prosecutrix, by attempting to make her naked as when she was going inside the house, the applicant attempted to snatch her sari. On hearing her hue and cry husband of the prosecutrix came out of the house thereafter the applicant run away from the spot. He further submits that police has earlier registered complaint No.784/16 under Section 107, 116(3) Cr.P.C. and also Crime no.420/16 under Section 341, 294, 323 IPC and under Section 3(1) (10) of the Atrocities Act against the applicant. Hence, looking to the

entire facts and criminal antecedent of the applicant, the instant application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody since one month and nineteen days, there is no reason assigned in the written report regarding delay of lodging FIR after 4 days of the incident though in the numbered FIR it is mentioned that on account of reputation, the report is being lodged so lately. Almost entire investigation has been completed, police has recorded the statement of the witnesses, though earlier the applicant was involved in the offence as aforementioned, in the present matter trial may take sometime for its conclusion. On due consideration of the entire facts, I am inclined to grant one 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Judicial Magistrate First Class, Kasdol, Dist. Baloda Bazar Bhatapara 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