

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3854 of 2017

- Sukhdev Nishad S/o Ruguram Nishad, Aged About 40 Years, R/o Village Kulikasa, Police Station Chhuikhadan District Rajanndgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri S. S. Baghel, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

05-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.100/2017 on 02-5-2017 by P.S. Chhuikhadan, District Rajnandgaon, C.G. for the offence under Section 457, 354(A)(ii), 509 of the IPC. After investigation police had filed the charge sheet which is pending before the Addl. CJM Khairagarh, Distt. Rajnandgaon, C.G. as Criminal Case No.204/17. The applicant is first offender. As per the allegation, the applicant entered into the house of the prosecutrix (name not mentioned) and enquired about her father-in-law and when she informed that her father-in-law is out then the applicant demanded for sexual favour, i.e., intercourse, when the prosecutrix abused the applicant then the applicant ran away towards the village road. The applicant will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of the act committed by the applicant that he after noticing the prosecutrix all alone in the house demanded for sexual favour and with this by word intended to insult the modesty of a woman.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 3 days till date, charge sheet has been filed, the matter is triable by Judicial Magistrate, there is no earlier criminal antecedent and as per the facts surfaced, immediately after the demand for sexual favour when the prosecutrix abused him the applicant immediately ran away from the spot, on entire consideration of the facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Additional CJM Khairagarh, Distt. Rajnandgaon, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 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**