

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.3966 of 2017**

- Ram Charan S/o. Nilambar Mehar Aged About 25 Years (Wrongly Mentioned In The Impugned Order As Lilambar Mehar) Aged About 25 Years, Caste Mahra, R/o. Village Barhaguda (Wrongly Mentioned In The Impugned Order As Barhamuda, Police Station Chandrapur, District Janjgir Champa (Chhattisgarh)

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Police Of Police Station Chandrapur, District Janjgir Champa (Chhattisgarh)

---- Respondent

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| For Applicant        | : Shri Govind Dewangan, Advocate    |
| For Respondent/State | : Shri Ashok Swarnkar, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****19.7.2017**

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.25/2017 registered in Police Station Chandrapur, Distt. Janjgir-Champa (CG) for the offence punishable under Section 67 of the Information Technology Act, 2000 and under Section 509B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 17.5.2017, after investigation, concerned police has filed charge sheet which is pending before Judicial Magistrate First Class, Dabhara, as Criminal Case No.286/2017.

Learned counsel for the applicant would submit that the applicant is in custody since long, charge sheet has been filed, he will not commit any offence in future, he may be granted an opportunity to remain in bail during trial.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the applicant had sent 20-25 obscene, dirty and indecent messages to a married woman. Looking to the contents of the message, which is the part of the charge sheet, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for two months and two days, charge sheet has been filed, the trial may take sometime for its conclusion, though the act of the applicant as prima facie surfaced for the offence against which the applicant is being tried, but looking to the entire facts including period of detention and as there is no criminal antecedent surfaced against the applicant, I am inclined to grant one last opportunity to the applicant so that he shall not commit any 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.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of

Judicial Magistrate First Class, Dabhara, Janjgir Champa 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. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Chandrapur, Distt. Janjgir-Champa **on First and Third Monday of every month at 11.00 am**. It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Chandrapur, Distt. Janjgir Champa as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

**11.** In addition, the applicant is directed not to communicate/contact in any of the manner with the victim, witness and family members cited in the charge sheet or attempt to ask for any favour in the trial. If so, the witnesses and the victim 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.

**12.** Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
**JUDGE**