

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4021 of 2017**

- Sanjay Chouhan, S/o Mehattar Singh Chouhan, Aged About 25 Years R/o Chhotedevgaon, Tahsil & P. S. - Kharsiya, Distt- Raigarh (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through:- Station House Officer, Kharsiya, Raigarh , Distt.- Raigarh (Chhattisgarh).

---- Respondent

For Applicant : Shri Amit Sharma, Advocate.

For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.182/2017 on 29/05/2017 by Police Station Kharsiya, Distt. Raigarh (C.G.) for the offence under Section 354, 323 & 506 of the Indian Penal Code and under Section 8 & 7 12 of Protection of Children from Sexual Offences Act, 2012 (For short "POCSO Act").

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is presently pending before the Additional Session Judge (FTC)/Special Judge under the Protection of Children from Sexual Offences Act 2012, Raigarh (C.G.). But learned counsel is not aware of the Special

Criminal Case No. Learned counsel for the applicant would further submit that as the charge-sheet has been filed. Earlier, and as per allegation the applicant on 12th May 2017 at about 3:00 to 3:30 pm when the prosecutrix was all alone used criminal force to outrage the modesty, hold her hands, also assaulted and demanded Rs.20,000/- and gave threat to take her life. The applicant will not commit any offence in future, as the trial may take some time, he may be granted on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant and would submit that no criminal antecedent of the applicant, looking to the entire act of the applicant when the prosecutrix is aged about 17 years. Matter is serious, hence the instant MCRC may be dismissed.

5. Peruse the entire material.

6. As the applicant is the first offender and he is in custody since 3 months and 18 days till date, charge-sheet has been filed, trial may take some time and as submitted that he will not commit any offence in future and there is no criminal antecedent reported against the applicant, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. 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 amount Rs.25,000/- each to the satisfaction of Trial Judge, (C.G.) for his appearance before the said Court regularly

as and when directed by the said Court.

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; (iv) the trial Court finds that the applicant 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Kharsiya, Distt. raigarh **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 do not appear before the Police of Police Station Kharsiya, Distt. Raigarh as directed, the concerned police may inform the trial Court for the act and if their 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. Register (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.

12. In addition, the applicant is directed not to communicate/contact in any manner with prosecutrix, her family members and the witnesses cited in the charge-sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the injured and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for 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 may take the applicant in custody including other measures as provided under the law.

13. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Deeptijha