

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4025 of 2017**

- Rohit Verma @ Sonu S/o Basant Verma, Aged About 20 Years
R/o - Village- Khudmudi, Post Office & Police Station-
Chhuikhadan, District - Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station - Chhuikhadan, District - Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.7.2017**

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.109/2017 registered in Police Station Chhuikhadan, Distt. Rajnandgaon (CG) for the offence punishable under Sections 354, 354(A)(1)(ii) of the Indian Penal Code and under Section 8/12 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

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 Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon as Special Criminal Case POCSO NO.06/17. Learned counsel for the

applicant submits that applicant is aged about 20 years, and as per allegation, on the date of incident, he made criminal force by holding the hands of the prosecutrix and made a demand/request for sexual favour. The applicant is first offender, he will not commit any offence in future, he may be granted bail. The prosecutrix is aged about 16 years 4 months and 13 days.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of entire conduct of the applicant though fairly submits that he has no criminal past registered against him.

5. Perused the entire material.

6. The applicant is in custody since two months and three days, charge sheet has been filed, the trial may take sometime for its conclusion, the applicant is the first offender, no other criminal antecedent is reported. On due consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and shall remain peaceful in the society.

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 Additional Sessions Judge, Khairagarh 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, 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 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