

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4076 of 2017**

- Digeshwar Sahu S/o Madad Sahu Aged About 29 Years R/o Village Bodra, Police Station Arjuni, District Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Arjuni, District -Dhamtari, Chhattisgarh

---- Respondent

For Applicant : Shri Samir Singh, Advocate
 For Respondent/State : Shri Vinod Tekam, 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.137/2017 registered in Police Station Arjuni, Distt. Dhamtari (CG) for the offence punishable under Sections 509 & 509B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 29.5.2017, after investigation, concerned police has filed charge sheet which is pending before Chief Judicial Magistrate, Dhamtari as Criminal Case No.505/17. Learned counsel for the applicant would submit that as per the allegation the applicant uploaded the photograph of the prosecutrix (name not mentioned) in the social media Face Book

and made comments which constitute sexual harassment. The applicant will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the applicant knowing well that his act is an offence, he deliberately posted the photograph of the prosecutrix and also made comments on it which constitute sexual harassment. Hence, the instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty three days, charge sheet has been filed, the trial may take sometime for its conclusion, the applicant is the first offender. 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.40,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial Magistrate, Dhamtari 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