

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4191 of 2017**

- Poshan Verma S/o Lakhan Verma, Aged About 52 Years By Caste - Lodhi R/o Village Bhondarwani, Police Station Saja District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saja District Bemetara Chhattisgarh

---- Respondent

For Applicant : Shri Wasim Miyan, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.7.2017**

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.215/2017 registered in Police Station Saja, Distt. Bemetara (CG) for the offence punishable under Sections 354 of the Indian Penal Code and under Sections 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 30.5.2017, after investigation police has filed charge sheet which is pending before Additional Sessions Judge(FTC)/Special Judge under the POCSO Act, Bemetara as Special Criminal Case No.24/2017. Learned counsel for the

applicant submits that the applicant is aged about 52 years, FIR has been lodged after a year, he has been falsely implicated, he will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that the applicant is the neighbour of the prosecutrix, aged about 17 years and 5 months. At the time of incident, the applicant used criminal force repeatedly with the prosecutrix to outrage her modesty after blackmailing her that he is having her obscene photograph. It is also submitted that following matters have been registered against the applicant prior to the incident.

Sl. No.	Crime No.	Offence U/S.
01.	Complaint No.47/85	107, 116(3) of Cr.P.C.
02.	Complaint No.48/96	117, 116(3) of Cr.P.C.
03.	Complaint No.469/2011	117, 116(3) of Cr.P.C.

Looking to the entire facts surfaced, the instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for one month and twenty nine days, matter is pending for trial, there is no report against the applicant regarding his involvement in any of the penal act, though three aforementioned matters in relation with preventive proceedings have been reported, the applicant is aged about 52 years, the trial may take sometime for its conclusion, considering the entire facts, I am inclined to grant one opportunity to the applicant, so that he will

not commit any offence in future and shall remain peacefully 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 the concerned trial Judge 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 Saja, distt. Bemetara **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 Saja, Distt. Bemetara 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 prosecutrix, her family members, witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. 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 directly or indirectly 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