

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4242 of 2017**

- Hemant Sahu S/o Shriram Sahu, Aged About 22 Years R/o Village Uparwara, Police Station Rakhi, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Rakhi, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Pradeep Singh Rathore, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.8.2017**

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.91/2017 registered in Police Station Rakhi Distt. Raipur (CG) for the offence punishable under Sections 354 & 354D of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.6.2017, charge sheet is not yet filed, the applicant has been remanded by Judicial Magistrate First Class, Raipur. Learned counsel for the applicant would submit that he is the first offender, he will not commit any offence in future, he is aged about 22 years, he may be granted an opportunity to remain on bail. As per the allegation, the applicant has followed the prosecutrix,

attempted to make personal interaction repeatedly with her despite clear indication of disinterest by the prosecutrix. Now the applicant will not contact the prosecutrix in any manner, hence he may be granted bail in the matter.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the facts of the case though fairly considered that there is no criminal antecedent reported against the applicant prior to the present matter.

5. Perused the entire material.

6. The applicant is in custody since one month twenty days, charge sheet is not yet filed, the trial may take sometime for its conclusion, he is the first offender, as submitted he will not commit any offence in future and also considering his age, I am inclined to grant one last 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 Judicial Magistrate First Class, Raipur 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 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.

11. Registrar (Judl.) is directed to send a copy of this order to the concerned trial Judge.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE