

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4280 of 2017**

- Dalu@ Dayalu Verma/Lodhi S/o Gajanand Verma / Lodhi, Aged About 35 Years R/o Village Sonpuri, 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 Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.8.2017**

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.121/2017 registered in Police Station Chhuikhadan, Distt. Rajnandgaon (CG) for the offence punishable under Sections 354, 354(A)(1)(i)&(ii), 451 & 509 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicant has been arrested on 26.5.2017, after investigation police has filed charge sheet which is pending before Additional Chief Judicial Magistrate, Khairagarh, Distt. Rajnandgaon as Criminal Case No.253/2017. Learned counsel for the applicant submits that the applicant is the first offender, except the present matter registered

against the applicant, he was never involved in any other offence earlier. Charge sheet has been filed, the trial may take sometime for its conclusion, he will not commit any offence in future, he may be enlarged on bail and as per the allegation, the applicant repeatedly used criminal force to outrage the modesty of the prosecutrix and also trespassed in to her house, demanded for sexual favour and contacted the prosecutrix involving unwelcome and explicit sexual overtures. He may be granted an opportunity so that he will not commit any offence in future and shall remain peacefully in the society.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that repeatedly the applicant was making criminal force with the prosecutrix to outrage her modesty and also demanded for sexual favour and once he trespassed in the house of the prosecutrix who was just about 18 years. Looking to the entire facts, the instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for two months and six days, charge sheet has been filed, the trial may take sometime for its conclusion, the applicant was never involved in any of the offence. Though the facts are surfaced in the charge sheet regarding act of the applicant in a series with the prosecutrix, upon consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall remain in the society without committing any offence in future.

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.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of the Additional Chief Judicial Magistrate, Khairagarh, Distt. Rajnandgaon 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 Chhuikhadan, Distt. Rajnandgaon **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 Chhuikhadan, Distt. Rajnandgaon 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, witnesses and family members 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