

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4322 of 2017

- Bhanu Baghel S/o Itwari Baghel, Aged About 42 Years, R/o Village Cakravaay, Chowki Maro, Police Station Nandghat, District (Revenue & Civil) Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Maro, Police Station Nandghat, District (Revenue & Civil) Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Jhanwar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.129/2017 on 25-5-2017 by Police Outpost Maro, Police Station Nandghat, District Bemetara, C.G. for the offence under Section 323, 354, 452 of the IPC. After investigation police had filed the charge sheet which is pending before the CJM Bemetara, C.G. as Criminal Case No.818/17. The applicant is first offender. He will not commit any offence in future. He may be granted bail during trial as the trial may take some time. As per the allegation, the applicant trespassed and entered into the house of the prosecutrix and also used criminal force to outrage her modesty. During the said incident clothes of the prosecutrix were torn and she received abrasion over her hand. It is prayed that the applicant may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of prosecution's case and as the applicant was panch for ward No.8 of the village panchayat, he had trespassed to the house and applied criminal force over the prosecutrix

to outrage her modesty. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 13 days till date, charge sheet has been filed, trial may take some time, there is no any earlier criminal antecedent of the applicant, on consideration of the entire facts surfaced in the charge sheet, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Bemetara, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix, her family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the witnesses, the prosecutrix and her family members 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 directly or indirectly, 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Aadil