

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4522 of 2017**

Amrit Dhanson S/o Late Domnik Dhanson, Aged About 52 Years R/o
Ginabahar, Police Station Kunkuri, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Kunkuri, Distt Jashpur,
CG.

---- Respondent

For applicant	Mr. Amit Kumar, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10/8/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-6-2017 in connection with Crime No. 71/2017, registered in PS Kunkuri, Distt. Jashpur (CG) for offence punishable under Section 451, 354 of the Indian Penal Code, 1860, Section 8 of the Prevention of Child from Sexual Offences Act, 2012 (in brevity 'Act of 2012').
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the matter is pending before the Addl. Session Judge/Special Judge under Act of 2012, Kunkuri, Distt. Jashpur as Special Criminal Case (Act of 2012) No. 19/2017. It is submitted that the applicant is aged about 52 years, he is first offender, he was never involved in his entire life in any such offence, he is in jail since long, trial may take some time. As per allegation, he pressed the breast of the prosecutrix aged about 12 years who is his grand daughter in relation. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that though the applicant is grand father in relation of the prosecutrix but when

he noticed her all alone in the house, he came closer and pressed her breast. Looking to the act of the applicant instant MCRC may be dismissed.

5. Perused the entire matter.
6. As the applicant is in jail since 2 months and 8 days till date, charge sheet has been filed, trial may take some time, age of the applicant and there is no criminal past of the applicant, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 each of Rs. 25,000/- to the satisfaction of the trial Court for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Kunkuri, Distt. Jashpur on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. In addition, the applicant is directed not to communicate / contact in any manner with the prosecutrix and the witnesses cited in the

charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

9. Registrar (Judicial) is directed to send a copy of this 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.
10. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge