

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4636 of 2017**

- Amit Mishra S/o Ramkrishna Mishra aged about 26 years, R/o Kapil Nagar Sarkanda, P.S. Sarkanda, Tahsil & District-Bilaspur (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through : City Kotwali, Bilaspur Dist.- Bilaspur (C.G.).

---- Respondent

For Applicant	: Ms. Kiran Jain, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

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.229/17 registered in Police Station City Kotwali, Distt.- Bilaspur (CG) for the offence punishable under Sections 354, 294, 323, 506 of IPC.
3. Learned counsel for the applicant submits that the applicant has been arrested, after investigation, concerned police has filed charge sheet against the present applicant which is pending before Judicial Magistrate First Class, Bilaspur Dist-Bilaspur (C.G.) as Criminal Case No. 216/17. Applicant is the

first offender. As per allegation, the applicant has used criminal force to outrage the modesty of the prosecutrix when the brother of the prosecutrix registered the complaint the prosecutrix and her brother were beaten by the applicant. He will not commit any offence in future if granted regular bail. He may be granted bail as the trial may take time for its final disposal.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf the applicant as the applicant makes obscene comments and also used the criminal force by touching the breast of the prosecutrix and also pushed her and thereafter when the brother of the prosecutrix intervened and attempted to save her sister the applicant assaulted both of them, hence looking to the entire facts, the instant M.Cr.C. may be dismissed though fairly considered that there is no criminal antecedent of the applicant.
5. Perused the entire material.
6. As the applicant is in custody since two months and seventeen days, till date; charge sheet has already been filed; the trial may take sometime for its conclusion; the applicant is the first offender and no earlier criminal antecedent has been shown in the case diary, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other 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.50,000/- with two sureties of Rs. 25,000/- to the satisfaction of Judicial Magistrate First Class, Bilaspur Dist.- Bilaspur (C.G.), 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, his family members and witness cited in the charge sheet 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 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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