

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4694 of 2017

- Raju Verma S/o Loknath Verma Aged About 30 Years, R/o Village Bhothali, Thana/tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Dongargarh, District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

17-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.195/2017 on 02-7-2017 by P.S. Dongargarh, District Rajnandgaon for the offence under Section 354 of the IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (in short 'the POCSO Act'). After investigation police had filed the charge sheet, which is pending before the Additional Judge/ Special Judge under the POCSO Act, Dongargarh to the First Additional Sessions Judge Rajnandgaon, C.G. as Special Criminal Case (POCSO) No. 7/17. Learned counsel for the applicant would further submit that the applicant is first offender. He will not commit any offence in future. Charge sheet has been filed. Trial may take some time and as per the allegation, the prosecutrix aged about 17 years went to the house of the applicant to purchase vegetable and when nobody responded she went up to the Court Yard. The applicant was inside room, thereafter the applicant entered into the room and playing with the son of the applicant. Meanwhile, to outrage the modesty the applicant used criminal force by holding the arm of the prosecutrix and also touched her cheek with bad intention. It is prayed that the applicant may be enlarged on bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submitted looking to the facts, the instant MCRC may be dismissed, though fairly submitted that there is no any earlier criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 15 days till date till date, charge sheet has been filed, trial may take some time, the applicant is first offender, no any criminal antecedent is reported prior to the incident and looking to the entire facts, 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 surety of Rs.25,000/- each to the satisfaction of the trial Judge for his appearance before the said trial 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 prosecutrix, her family members and the witnesses 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