

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4753 of 2017**

- Kuleshwar @ Nanku S/o Ramcharan Satnami, Aged About 20 Years R/o Village Parsadih, Police Chowki Lawan, Police Station Kasdol, District Baldoa Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Yogesh Chandra, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.8.2017**

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.29/2017 registered in Police Station Kasdol, Distt. Baloda Bazar-Bhattapara (CG) for the offence punishable under Sections 457 & 354 of IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.5.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Kasdol, Distt. Baloda Bazar as Criminal Case No.154/2017. As per the allegation, when the prosecutrix, aged about 19 years was sleeping in her house, the applicant trespassed in her house, sat on the bed, thereafter he offered her to come out of the house and also asked her to keep quiet otherwise he will slap. Also he used criminal

force to outrage her modesty. When the prosecutrix called her grandmother, he went out on the same way. Learned counsel for the applicant submits that the applicant is aged about 20 years, he is the first offender he will not commit any offence in future

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the facts surfaced in the charge sheet and also in the statement given by the prosecutrix under Section 161 CrPC but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for three months and thirteen days, charge sheet has been filed, the applicant is aged about 20 years, the trial may take some time for its conclusion, he is the first offender, as submitted he will not commit any offence in future and considering the other facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

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 separate solvent sureties of Rs.25,000/- to the satisfaction of the concerned trial Court 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, family members and the witnesses 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.

11. Registrar (Judl.) is directed to send a copy of this order to the concerned trial Judge.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE