

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4976 of 2017**

Rupesh Chandrawanshi S/o Shrawan Chandrawanshi, Aged About 21 Years R/o Village Machhali, Police Station Pandatarai, Civil And Revenue District Kabirdham Chhattisgarh.

----Applicant

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pandatarai, District Kabirdham Chhattisgarh.

---- Respondent

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| For applicant        | Mr. Dharmesh Shrivastava, Adv. |
| For Respondent/State | Mr. Vasim Miyan, PL.           |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****24-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 11-7-2017 in connection with Crime No. 46/2017 registered in PS Pandatarai, Distt. Kabirdham (CG) for offence punishable under Section 354 and 454 of the Indian Penal Code, 1860 and Section 11 and 12 of the Protection of Children from Sexual Offences Act, 2012 (In brevity 'POCSO Act')
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Special Judge under the POCSO Act, Kabirdham as Special Cr. Case (POCSO Act) No. 57/2017. This is his first bail application before this Court. He is first offender. He is aged about 21 years. As per allegation, on 30-6-2017 when the prosecutrix aged about 15 years was watching TV at her veranda at about 12.00 noon, the applicant entered into the house, caught hold of her hands,

took her inside the house and also used forcible criminal force. 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 State counsel opposes the bail application on the basis of the entire facts surfaced in the charge sheet.
5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 1 month and 13 days till date, charge sheet has been filed, applicant is aged about 21 years, trial may take some time, and as submitted he will not commit any crime in future and considering entire facts of the case, 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. 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, her family members 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, her family members 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.
10. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**