

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4994 of 2017

- Arun Kumar Sahu S/o Shri Raj Kumar Sahu, Aged About 29 Years, R/o Village Bathenapara, Dhamtari, Thana Dhamtari, District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Thana Kurud, District Dhamtari Chhattisgarh

---- Non-applicant

For Applicant – Shri Surendra Kumar Dewangan, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.155/17 on 18-4-2017 by P.S. Kurud, District Dhamtari, Chhattisgarh for the offence under Section 507, 509(B), 201 of the IPC and Section 67A of Information & Technology Act, 2000. After investigation police had filed the charge sheet, which is pending before the JMFC Kurud, District Dhamtari, C.G. as Criminal Case No.480/17. Learned counsel for the applicant would further submit that the applicant is first offender, he will not commit any offence in future and as per the allegation, the applicant from his cell phone and sim forwarded obscene messages regarding the woman with whom the complainant made engagement for marriage, also it is alleged that the applicant gave threat to kill if the complainant marries with the said woman and thereafter the applicant had thrown his mobile and also sim, with this destroyed the physical evidence. The applicant is in jail since long. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant looking to the act of the applicant regarding sending of obscene messages about the woman whom the complainant was going to marry as the marriage was settled.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 5 days till date, charge sheet has been filed, trial may take some time, there is no any other criminal antecedent of the applicant, on consideration of 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 sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Kurud, District Dhamtari, C.G. for his appearance before the said 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 complainant, his family members and other associates, the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the complainant, his family members and other associates, 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