

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4981 of 2017**

Amar Sikdar S/o Late Niranjana Sikdar Aged About 30 Years R/o
 Premnagar, Dharamjaigarh, Police Station Dharamjaigarh, District
 Raigarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Dharamjaigarh, District
 Raigarh Chhattisgarh.

---- Respondent

For applicant	Mr. Manoj Kumar Sinha, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 18-7-2017 in connection with Crime No. 128/2017 registered in PS Dharamjaigarh, Distt. Raigarh (CG) for offence punishable under Section 498-A of the Indian Penal Code.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against 3 accused persons including present applicant and Niranjana Sikdar and Kamla Sikdar who are parents of the applicant. Parents of the applicants have been granted anticipatory bail by the sessions court. After release on bail, Niranjana Sikdar has expired. This is his first bail application before this Court. He is first offender. As per allegation, he was married to complainant Sushila Sikdar in the year 2008 and there was allegation regarding committing cruelty on account of doubt about the character of the complainant. 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 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 5 days till date, charge sheet has been filed, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Dharamjaigarh CG 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, it is directed that except for conciliation proceedings conducted in accordance with law, the applicant will not communicate / contact in any manner with the complainant, 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 complainant, 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

Pathak