

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5105 of 2017**

- Basant Kumar Sahu S/o Shri Bihari Lal Sahu Gram Majgaon Thana Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sahaspur Lohara District Kabirdham Chhattisgarh.

---- Respondent

 For Applicant : Shri Anurag D Shrivastava, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

29.8.2017

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.149/2017 registered in Police Station Sahaspur Lohara, Distt. Kabirdham (CG) for the offence punishable under Sections 452, 354 of the Indian Penal Code and under Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 06.7.2017, after investigation, Police has filed charge sheet which is pending before Special Judge under the POCSO Act, Kabirdham as Special Criminal Case POSCO No.60/2017. Learned counsel for the applicant submits that the applicant is aged about 23 years, first offender and as per allegation he trespassed in the house of the prosecutrix, caught

hold the hands of the prosecutrix to outrage her modesty and also touched her breast. He will not commit any offence in future. As the trial may take some time for its conclusion, she may be granted bail.

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.

5. Perused the entire material.

6. The applicant is aged about 23 years, charge sheet has been filed, the trial may take some time for its conclusion and considering the entire 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 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 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE