

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5164 of 2017**

- Sandeep Khande, S/o Ram Singh Khande, Aged About 29 Years, R/o L I G 207, Deendayal Colony, Mangla, P. S. Civil Line, Tahsil & District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Civil Line, Distt. Bilaspur (Chhattisgarh).

---- Respondent

For Applicant : Shri Rajeev Kumar Dubey, Advocate.
 For Respondent/State : Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 05/05/2017, in connection with Crime No. 310/2017, registered in Police Station Civil Lines, Distt. Bilaspur (C.G.) for offence punishable under Section 294, 354, 354C and 354D of the Indian Penal Code (IPC).

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet, which is pending before the Judicial Magistrate First Class, Bilaspur (C.G.) as Criminal Case No.1883/2017. Learned counsel for the applicant would submit that the applicant is the first offender and no criminal antecedent has been reported against him. As per the allegation, applicant outrage

the modesty of the prosecutrix as here taken photograph of the prosecutrix and also followed the prosecutrix by stocking did obscene act, uttered obscene words and also demanded for sexual favour, as the trial may take some time for its conclusion, the applicant was working as a peon in the department, he will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of facts surfaced in the charge-sheet and would submit that looking to the act committed by the applicant in office where the prosecutrix working as an employee on a contract basis, that offence committed by the applicant is of serious nature. Hence, the instant MCRC may be dismissed, though fairly conceded that applicant had no criminal antecedent.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 3 months 25 days till date, charge-sheet has been filed and the matter is triable by JMFC, trial may take some time and he had never involved in any of the crime prior to the incident, no criminal antecedent reported against the applicant after consideration on the entire facts, on consideration on 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 without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicants are 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/- to the satisfaction of the JMFC Bilaspur (C.G.), for his appearance before the said Court regularly as and when directed by the said Court. for their appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants 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.

10. In addition, the applicant is directed not to communicate/contact in any manner with the prosecutrix and 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 injured 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 otherwise, 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.

11. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge