

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5221 of 2017**

- Trilok Deshmukh, S/o Dhruw Deshmukh, Aged About 30 Years, R/o Khursipar, Police Station Arjunda, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Arjunda, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri B.P. Singh, Advocate.
For Respondent/State	: Shri Sumit Jhawar, 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 22/07/2017, in connection with Crime No. 119/2017, registered in Police Station Arjunda, Distt. Balod (C.G.) for offence punishable under Section 354, 452/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that charge-sheet is not yet filed and the applicant has been remanded by the Judicial Magistrate First Class, Balod (C.G.). Learned counsel for the applicant would further submit that the applicant is the first offender and no criminal antecedent has been reported against him. The co-accused Mahendra Kumar Chandrakar, Rajesh and Aushotosh has

already been granted bail by the Session Court. The applicant 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. As per the allegation, on the date of incident the applicant along with other co-accused reached at the house of prosecutrix tress-passed by entering the house and outrage the modesty and attempted for taking the prosecutrix when she was in the veranda, the prosecutrix resisted and when the grandfather of the prosecutrix came all the co-accused ran away from the spot. The applicant 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 and would submit that the present applicant is the main accused who had taken the key role in the incident, looking to the act of the applicant 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 since 1 month 8 days till date, charge-sheet is not yet filed, trial may take some time, other co-accused granted bail by Session Court, the applicant is the main accused and in his leadership the other co-accused acted as per facts surfaced in the matter, but as no criminal antecedent reported against the applicant, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall 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 applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like some amount to the satisfaction of Judicial Magistrate First Class, Balod (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 applicant 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. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Arjunda, Distt. Balod **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Arjunda, Distt. Balod as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason,

the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. 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.

13. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge