

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5288 of 2017**

- Premlal S/o Hirai, Aged About 46 Years R/o Siding Dafai, Sajapahaad, P. S. Podi, Civil & Revenue District Koriya (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Podi, Civil & Revenue District Koriya (Chhattisgarh).

---- Respondent

 For Applicant : Shri Adil Minhaj, Advocate
 For Respondent/State : Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

31.8.2017

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.198/2016 registered in Police Station Podi, Distt. Koriya (CG) for the offence punishable under Sections 363, 366, 376(2)(n), 493 of the Indian Penal Code and under Sections 5, 6 & 17 of the 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 11.4.2017, after investigation, police has filed charge sheet against the present applicant and co-accused Sonu Kumar Saket, son of the present applicant. Learned counsel for the applicant would submit that co-accused Sonu Kumar Saket is the main accused in the case, in the entire chart

sheet, there is no material to connect the applicant with the offence. With this, as there is no material against the applicant, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. A perusal of the entire charge sheet, prima facie, there is no material so as to connect the present applicant for the penal provisions in which the police has filed the charge sheet. It appears that there is no role of the applicant for any of the offence including kidnapping of prosecutrix for any purpose and for any other offence including rape. Without commenting anything on its merits, 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.25,000/- with one solvent surety of like sum amount to the satisfaction of concerned 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. It is made clear that the Court below shall not be influenced by any of the observation made by this Court in this order.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE