

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5343 of 2017**

- Raju @ Balkrishna Verma S/o Lochan Prasad Verma, Aged About 33 Years R/o Village Gondhi, Police Station And Tahsil Bilha, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bilha Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

 For Applicant : Smt. Mandavi Bharadwaj, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

05.9.2017

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.185/2017 registered in Police Station Bilha, Distt. Bilaspur (CG) for the offence punishable under Sections 452 and 354 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 10.7.2017, after investigation charge sheet has been filed which is pending before Judicial Magistrate First Class, Bilha, distt. Bilaspur as Criminal Case No.524/2017. As per the allegation, on 08.7.2017, when the prosecutrix was alone in her house, the applicant, under the influence of alcohol, trespassed inside and enquired about her husband and children. When the prosecutrix informed him that they are not present

there, he entered into the kitchen where she was cooking, and demanded for sexual favour. When the prosecutrix asked him to go out, the applicant caught hold her hands, pressed her hands and breast. When the prosecutrix resisted and shouted for help, he fled away from the spot. Learned counsel for the applicant submits that the applicant is the first offender, he never involved in any other offence prior to the incident, he will not commit any offence in future, as the trial may take some time for its conclusion, he 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 entire facts surfaced in the charge sheet and also on the basis of the following matters registered against the applicant.

Sl. No.	Complaint No.	Offence U/S.
01.	205/2007	107, 116(3) CrPC
02.	86/2017	107, 116(3) CrPC

5. Perused the entire material.

6. The applicant is in custody for one month and twenty five days, charge sheet has been filed, the trial may take some time for its conclusion, though two criminal proceedings were initiated against him, there is no criminal past of the applicant regarding similar or any other penal offence. On due consideration of the entire facts, I am inclined to grant one last 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 Judicial Magistrate First Class, Bilha 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 further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Bilha, Distt. Bilaspur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Bilha, Distt. Bilaspur as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without

any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix, her 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.

12. Registrar (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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE