

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5461 of 2017**

1. Mahesh Kumar Rathore S/o Shantilal Rathore, Aged About 55 Years
R/o Village Barbaspur, Urga, Tahsil & District Korba, CG.
2. Bhagwati Rathore, W/o Mahesh Rathore, Aged About 52 Years R/o
Village Barbaspur, Urga, Tahsil & District Korba, CG.

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Azak District Korba, Chhattisgarh.

---- Respondent

For applicant	Mr. Vivek Tripathi, Adv.
For Respondent/State	Mr. Sumit Jhanwar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****7-9-2017**

1. The applicants have preferred this application for grant of bail as they are arrested on 27-7-2017 in connection with Crime No. 23/2017 registered in PS AJAK, Distt. Korba (CG) for offence punishable under Section 294, 506, 509, 34 of the IPC and Section 3 sub-section (1)(r), Section 3 sub-section (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (In brevity 'SCST Act').
2. Learned counsel for the applicants submit that charge sheet is not yet filed and the applicants are remanded by the Special Judge under the SCST Act, Korba. They are first offenders. As per allegations, both the applicants by the act intended to outrage the modesty of a women aged about 16 years, also gave threat to kill and used obscene words knowing well that she belongs to scheduled tribes category. They will not commit any offence in future if granted bail. They may be granted bail as the

trial may take time.

3. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants on the basis of the entire act surfaced in the case diary.
4. Perused the matter.
5. As the applicants are in custody since 2 month and 11 days till date, charge sheet is not yet filed, trial may take some time, both the applicants are husband and wife, they are first offender, and considering entire facts of the case, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum for each applicant to the satisfaction of the remand court/trial court for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
6. 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 do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain 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.

7. In addition, the applicants are directed not to communicate / contact in any manner with the prosecutrix, her family members and witnesses or attempt to ask for any favour in the trial directly or indirectly. If so, the prosecutrix, her family members or the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicants directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicants shall be cancelled without further reference to the bench and the concerned trial Court may take the applicants in custody including other measures as provided under the law.
8. CC as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**