

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5593 of 2017

- Sunil Ram S/o Mohan Ram Aged About 21 Years R/o Turana, Police Station Darima District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darima, Civil And Revenue District Sarguja, Chhattisgarh.

---- Non-applicant

For Applicant : C.B. Kesharwani, Advocate.

For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

13.09.2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No. 85/2017 on 07.07.2017 by Police Station Darima, District Sarguja (C.G.) for the offence under Section 354, 323 of IPC & Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012 (in brevity 'Act of 2012').
3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Special Judge under the Act of 2012, Sarguja at

Ambikapur C.G., as Special Criminal Case (Act of 2012) No. 85/2017. Applicant is the first offender, he will not commit any offence in future. As per allegation, on the date of antecedent when the prosecutrix aged about 21 years went to take bath at the hand-pump, the applicant came, used criminal force to restrain her. When the prosecutrix denied, he slapped her. Thereafter prosecutrix reported the matter. He submits that applicant is age about 21 years. As trial make take sometime 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 facts surfaced and also statement of the prosecutrix recorded under Section 164, 161 of the Cr.P.C., and also as in the MLC examination the doctor was informed that the pain over right and left cheek, though he fairly conceded that the applicant has no criminal antecedent.
5. Perused the entire material.
6. As the applicant is in custody for last 2 months and 7 days till date, charge sheet has been filed, trial may take some time, the applicant is the first offender and as submitted he will not commit any offence in future and there is no criminal antecedent reported against the applicant, on 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. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is

allowed.

7. 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 solvent sureties each of Rs. 25,000/- to the satisfaction of trial Court for his appearance before the said Court as and when directed.
8. 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; (iv) the trial Court finds that the applicant 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.
9. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Darima, District Sarguja on every 1st and 3rd Monday of every month till the conclusion of the trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without

further reference to the bench under intimation. 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 of the manner with the injured his family members and witnesses to be cited in the charge-sheet or attempt to ask for any favour in the directly or indirectly. If so, the witnesses and the injured 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.

11. Register (Judicial) is directed to send a copy to this 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. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge