

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5822 of 2017

- Deepak Patel S/o Late Ramji Patel, Aged About 20 Years, R/o Village Parasdiha, Police Chowki Wadrafnagar, Police Station Basantpur, District- Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station: Basantpur, District- Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri D.N.Prajapati, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.85/2017 on 17-08-2017 by P.S. Basantpur, Civil District Surguja at Ambikapur, Chhattisgarh for the offence under Section 294, 506, 323, 354, 354-B of the IPC. After investigation police had filed the charge sheet, which is presently pending before the JMFC Wadrafnagar, Civil District Surguja at Ambikapur, C.G. as Criminal Case No.134/17. Learned counsel for the applicant would further submit that the applicant is first offender, he was never involved in any offence, he is aged about 20 years. The prosecutrix is his elder sister-in-law (भाभी) and as the said prosecutrix was raising construction at the corner of wall of her house, some dispute arose, the applicant resisted as she is raising construction over the road, with this, less space is available for the road, during the dispute the applicant abused her, gave threat to kill and assaulted by stick, caused simple injuries and also used criminal force to outrage her modesty and as per the allegation during scuffle blouse of the prosecutrix was torn. He may be granted

bail, he will not commit any offence in future.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of entire act of the applicant with the prosecutrix, though fairly conceded that there is no any criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 10 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender, no criminal antecedent is reported against him, though prima facie it appears that objection raised by the applicant may be appropriate, but it was not expected to take the law in his own hand along with to use criminal force to outrage modesty of a woman who is sister-in-law (भाभी) of the applicant, after consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Wadrafnagar, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix, her family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant gave pressure or any attempt for any illegal favour in the trial or otherwise directly or indirectly, 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge