

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4175 of 2017**

- Sanjay Rajak S/o Asharam Rajak, Aged About 27 Years R/o Belsari, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Malay Shrivastava, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.7.2017**

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 Takhatpur, Distt. Bilaspur (CG) for the offence punishable under Sections 354A, 506, 323 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.5.2017, after investigation, concerned police has filed charge sheet, which is pending before Judicial Magistrate First Class, Takhatpur as Criminal Case No. 262/2017. As per the allegation, on 22.5.2017 at about 1.30 am when the prosecutrix went to ease in the wash room situated in the courtyard of her house, the applicant reached near her, and used criminal

force with the prosecutrix. When the prosecutrix objected, the applicant assaulted her by slipper and thereafter when the prosecutrix shouted, the applicant fled from the spot. It is submitted on behalf of the applicant that the applicant is the first offender, he will not commit any offence in future, he is in jail since long, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the entire facts surfaced in the charge sheet.

5. Perused the entire material.

6. The applicant is in custody for two months and four days, charge sheet has been filed, he is the first offender, the trial may take sometime for its conclusion, the matter is triable by Judicial Magistrate First Class, on due consideration of the entire facts, I am inclined to grant one opportunity to the applicant, so that he shall not commit any other 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 one solvent surety of like sum amount to the satisfaction of the concerned trial Judge 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. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix, witness and family members 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.

11. Registrar (Judl.) is directed to send a copy of this order to the concerned trial Judge.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE