

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3944 of 2020**

- Abhishek @ Abhilash Thakur S/o Sarju Thakur Aged About 25 Years R/o Babadih Nagar Supela Bhilai, Tehsil And District- Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. Police Station Khurseepar, District- Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****28/08/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.411/2015 registered at Police Station – Jamul, District – Durg (C.G.) for alleged commission of offences under Section 354 (क), 354 (घ) of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant would argue that in connection with the aforesaid offence, the applicant was earlier granted bail but as he could not appear on the date of trial on 25/01/2020 for reasons beyond his control, again arrest warrant was issued and he has been arrested. It is submitted that the applicant is in jail since 12/02/2020 i.e. for the last almost 6½ months. Learned counsel for the applicant submits that the applicant may be granted one last indulgence because he was earlier granted bail and later on, arrested because he could not appear before the Trial Court on a particular date of hearing. He submits that the applicant would be appearing before the Court below on each and every date of trial unless he is exempted.

3. On the other hand, learned State counsel opposes prayer and submits that the applicant is habitual to jumping bail. He submits that earlier also on 05/11/2019, he

failed to appear and was arrested. Thereafter, he was again granted bail on 14/11/2019 and again on 25/01/2020, he did not appear which resulted in issuance of arrest warrant and consequent arrest of the applicant. He submits that conduct of the applicant is such that if he is granted bail, he is likely to misuse liberty and he may adversely affect the progress of Trial.

4. Taking into consideration the submission of learned counsel for the parties, particularly considering that earlier, applicant was granted bail and later on, the bail bonds were canceled as he could not appear on 25/01/2020 and learned counsel for the applicant seeks one more indulgence that appropriate onerous condition may be imposed, the application is allowed.

5. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

It is made clear that this is the last indulgence. If the applicant now jumps bail, he will not be entitled to any indulgence.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge