

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3325 of 2021**

Lileshwar Patel S/o Chandra Kumar Patel Aged About 25 Years R/o Village
Karhibadhar, P.S. And District Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, S.H.O. Balod District Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.507 of 2019, registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 354, 354(d) and 294 of the Indian Penal Code, Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant was earlier granted bail in this case by the trial Court itself by order dated 3.1.2020 by imposing a condition that in case the applicant commits another offence then his bail may be canceled. The another offence was registered

against the applicant in Crime No. 26 of 2021 for the offences under Sections 294, 506 and 323 of the Indian Penal Code, which are bailable offences. On this basis, the complainant filed an application before the Sessions Court for cancellation of bail which has been decided by the impugned order and the bail granted to the applicant has been canceled. The applicant is in jail since 25.01.2021 and has been falsely implicated in this case. The charge-sheet has been filed and the case is pending for trial. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that clearly the applicant has breached the condition imposed upon him by the earlier bail order, hence, the order of cancellation of his bail passed is appropriate and no interference is warranted.

4. Complainant – Jhamit Bai Taram is present before this virtual Court through the Help-Desk of DLSA, Balod. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the applicant was already on bail by the orders of the trial Court itself and this application has been filed subsequent to which the impugned order of cancellation of bail has been passed. Although, there was a condition imposed by the trial Court and the same was breached by this applicant, for which the applicant has now

undergone about more than six months in jail subsequent to that order of cancellation, therefore, under these circumstances, his enlargement of bail can be considered again. Hence, looking to the time that has passed and looking to the trial which is pending, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge