

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1267 of 2021**

- Chhotu Ram S/o Hari Prasad Aged About 19 Years, R/o Village- Jaipur, Police Station And Tahsil- Premnagar, District- Surajpur, Chhattisgarh.

---- Petitioner**Versus**

- State of Chhattisgarh, Through - Police Station- AJAK, Police Station- Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Gyan Prakash Shukla, Adv.
For Respondent/State	:	Ms. Ishwari Ghrtilahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/11/2021**

1. By this CRMP, the petitioner seeks modification of the order dated 09.10.2020 passed in MCRC No. 5633/2020 seeking to file regular bail.
2. Learned counsel for the petitioner submits that he had filed MCRC No. 5633/2020 but later on he withdraws the same to file appeal under Section 14(A) of SC & ST Act. Thereafter, he filed CRA No. 997/2020 but the same was dismissed by this Court vide order dated 10.02.2021 with liberty to file appropriate application before the appropriate Bench. Thereafter, the applicant has preferred second bail application vide MCRC No. 1517/2021 which was again dismissed by this Court vide order dated 05.03.2021 as not maintainable. He further submits that as per the maintainability of the bail application MCRC will prevail over the Criminal Appeal because Section 6 of the Protection of Children from Sexual Offences Act has been registered in the final report. Therefore, it is necessary to modify the order dated 09.10.2020, so that, the applicant can file and contest

his regular bail application before the High Court.

3. The prayer is not opposed by counsel for the State.
4. I have gone through the impugned order and perused the record.
5. From perusal of the record, it appears that it would be 'with liberty to file an appropriate petition before appropriate bench', instead of granting liberty to file appeal under Section 14-A of SC/ST Act. Thus, the error is apparent on the face of the record which needs to be rectified.
6. Accordingly, it is ordered that in para 3 of the order in question, it be read as '**with liberty to file an appropriate petition before appropriate bench**' instead of 'liberty to file appeal under Section 14-A of the SC & ST Act.
7. The copy of this order be supplied to the learned counsel for the petitioner along with the copy of order dated 09.10.2020 passed in MCRC No. 5633/2020.
8. With this modification as aforesaid, CRMP stands disposed of.
9. Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge