

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1307 of 2017**

1. Suraj Kumar S/o Sammar Singh, Aged About 25 Years R/o Village Jemra, Police Station Pali, District - Korba, Chhattisgarh.
2. Rajkumar, S/o Sammar Singh, Aged About 22 Years R/o Village Jemra, Police Station Pali, District - Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, through Station House Officer, Police Station Pali, Distt. Korba (CG)

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.4.2017**

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 applicants, who have been arrested in connection with crime No.25/2017 registered in Police Station Pali, Distt, Korba for the offence punishable under Sections 354, 452, 294, 506, 323, 34 of the Indian Penal Code and under Sections 4 & 5 of the Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005.

3. Learned counsel for the applicants submits that the applicants have been arrested on 04.02.2017 and remanded by Judicial Magistrate First Class, Pali, charge sheet is yet to be filed.

He further submits that the applicants are the first offenders, the offence is not punishable for imprisonment for life or RI for 10 years, on account of some previous incident, present incident happened. Hence, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicants assaulted three persons by club, who have sustained injuries, though they were not admitted in the hospital as indoor patients, looking to the entire facts, the application may be dismissed.

5. Perused the material.

6. On due consideration of the entire material, considering the totality of the facts and circumstances of the case, considering the fact that the applicants are in detention since 04.02.2017, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

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

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of Judicial Magistrate First Class, Pali for their appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench

by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE