

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1520 of 2017**

- Mukesh Kumar S/o Mahadev Yadav Aged About 20 Years R/o Village Jarve, Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Palari, District Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	Mr. Yogesh Chandra, Adv.
For Respondent/State	Mr. N.K. Mehta, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27/03/2017**

1. Heard finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant, who has been arrested in connection with Crime No. 455/2016 registered at Police Station Palari, District Balodabazar, Bhatapara (CG) for the offence punishable under Sections 147, 148, 149, 307 read with Section 34 IPC.
3. Learned counsel for the applicant would submit that charge sheet has been filed before the C.J.M. Baloda Bazar against the present applicant and one Balad and also showing 3 accused as absconding under Sections 147, 148, 149 & 307 read with section 34 IPC. The court has registered the case as Cr. Case No. 34/2017. Present applicant is in jail since 9.11.2016 till date. The other co-accused Balad has been granted bail by this Court on 16.3.2017 in M.Cr.C. No.1339/2017. There was no grievous injury noticed over the body of any of the victim and also both parties sustained injuries; the case of the applicant is similar to the co-accused Balad, with this, he may be

enlarged on bail till trial.

4. Per contra, learned State counsel opposed the bail application.
5. Perused the material available on record.
6. As the nature of injury is not shown grievous in the MLC report, as per State Counsel, the bail is granted to other co-accused persons; both the parties sustained injuries and any of the victim is not presently under treatment as indoor patient, I am inclined to allow the instant MCRC.
7. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the concerned trial Court for his appearance before the said trial Court as and when directed by the said Court.
8. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge