

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1834 of 2017**

- Chintu @ Rishi Sahu S/o Late Dihur Sahu, Aged About 23 Years R/o Village Kopra, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Panduka, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Shri Pradeep Singh Rathore, Advocate
 For Respondent/State : Shri Anant Bajpai, 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 applicant, who has been arrested in connection with crime No.78/2016 registered in Police Station Panduka, District Gariyaband for the offence punishable under Sections 294 and 307 of the Indian Penal Code and under Sections 25 & 27 of the Arms Act, 1959 and under Section 3(1)(घ) & 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel for the applicant submits that the applicant is in jail since 30.5.2016, facing trial in Special Sessions Trial No.10/2016 before the Special Judge under the Atrocities Act,

1989. He is the first offender, there is no material to demonstrate that the complaint was admitted in the hospital as indoor patient and also there is no material to demonstrate that the injuries sustained by the complainant was grievous in nature and was fatal to life. The applicant is the permanent resident of Police Station Panduka, Distt. Gariyaband, he will not misuse the liberty granted, hence he may be granted bail.

4. On the other hand, learned counsel for the State opposes the arguments advanced on behalf of the applicant.

5. Perused the material.

6. As there is nothing in the charge sheet regarding the nature of injuries caused to the complainant and also considering that the applicant is in jail for about 10 months and has no criminal antecedent, this Court is of the opinion that present is the fit case, in which, the applicant 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 applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of Special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for his appearance before the said Court as and when directed.

9. 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; and (iv) the trial Court finds that the applicant remains 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