

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1739 of 2017

1. Teej Ram S/o Kumut Ram Yadav, Aged About 55 Years R/o Khisora, Police Station Baloda, District Janjgir Champa Chhattigarh

---- Applicant

Versus

1. State of Chhattisgarh, through, Station House Officer, Police Station Urga, District Korba Chhattisgarh

---- Non-applicant

And

MCRC No. 1882 of 2017

1. Kashi Ram S/o Firtu Ram Patel, Aged About 45 Years, By Caste- Marar, R/o Village- Tarda, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh, through, Station House Officer, Police Station- Urga, District Korba, Chhattisgarh.

---- Non-applicant

For Applicants – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri U.K.S.Chandel, Panel Lawyer.

Shri Jitendra Shrivastava, Advocate under the authority of Shri Sanjay Patel, Advocate for the objector to assist the prosecution.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. As both the MCRC arise out of from the same crime number, both are being disposed of jointly.
2. In MCRC No.1739/2017 application, I.A.No.2/2017 has been filed on behalf of the objector.
3. I.A.No.2/2017 is hereby allowed and learned counsel appearing on behalf of the objector is permitted to assist the prosecution under Section 301(2) of the Cr.P.C.
4. Heard the matter finally.
5. Learned counsel appearing on behalf of the applicants in both the MCRC would submit that applicant Kashi Ram is arrested on 23-02-2017 and

applicant Teej Ram is arrested on 24-02-2017 in connection with Crime No.43/2017, P.S. Urga, District Korba, C.G. for the offence under Section 354, 456/34 of the IPC. Both applicants are in jail for more than 1 and ½ months. They are the first offender, no any other criminal antecedent reported against them. The offence registered is not punishable for death or for imprisonment for life. The charge sheet is filed, the matter is pending before the CJM Korba, C.G. as Criminal Case No.503/17. It is further submitted that they will not commit any offence in future. As the investigation has been completed, it takes some time for trial, they may be enlarged on bail.

6. Per contra, learned counsel for the non-applicant/State though fairly submitted that police has not noticed any earlier criminal antecedent, but at night 9.00 p.m. both accused committed house trespass and touched body of the prosecutrix and thereafter currency note of Rs.500/- were thrown to her and directed to cook the chicken and also gave threat for the life. With this, the application filed by both the applicants may be dismissed.

7. Perused the entire material.

8. On due consideration, the applicants are in jail for more than 1 and ½ months till date, no any earlier criminal antecedent was reported in the matter, investigation has been completed, charge sheet has been filed, looking to the entire material, I am inclined to grant one opportunity to the applicants so that they may remain in society without further committing any crime. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Korba, C.G. for their appearance before the said trial Court as and when directed till conclusion of the trial.

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 above, the Court below may proceed further under the provisions of law under intimation.

10. It is further directed that both the applicants shall appear before Uрга police on 1st and 3rd Monday of every month till disposal of said criminal case at 11.00 a.m. before SHO/IO, as the case may be. If the applicants failed to give their appearance before the SHO/IO, police may inform the trial Court for non-appearance of the applicants and if the trial Court assessed that the applicants had not given their appearance without proper and cogent reason before the SHO/IO, as the case may be, the bail granted to the applicants shall stand dismissed automatically without further reference to the Bench under intimation.

11. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE