

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1969 of 2017

1. Manoj Kumar Banjare S/o Shiv Kumar Banjare, Aged About 28 Years,
R/o Village Baronda, Police Station Kharora, Raipur Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh through Police Station Kharora, Raipur
Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikram Singh, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is in jail since 16-09-2016 till date, i.e., for about 7 months. He has been arrested in connection with Crime No.300/16 by Kharora, Raipur, C.G. police for the offence under Section 294, 323, 506, 307, 34 of the IPC. Police after investigation had filed charge sheet against Krishana @ Kishan Gilhare, Minichand Gilhare, present applicant and Ganesh Gilhare. The matter is pending before the First Additional Judge to the Court of First Additional Sessions Judge Raipur, C.G. as Sessions Trial No.10/17. Co-accused Krishana Gilhare and Minichand Gilhare have been released on bail by the coordinate Bench of this Court in MCRC No.1003/2017 vide order dated 01-03-2017, the main accused Ganesh Gilhare is still languishing in jail. Stage of the trial is for recording of evidence of prosecution witnesses. The case of the present applicant is similar with the case of Kishan Gilhare and Minichand Gilhare as the present applicant assaulted by a club to Ravi @ Haleshwar as per Section 161 Cr.P.C. statement of injured Gangadhar Dhiwar. The applicant will not commit any offence in future. He is the first offender and has no any earlier criminal antecedent. He may be enlarged on bail till trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant.
4. Perused the matter.
5. On due consideration, looking to the period of detention of the applicant, his specific role attributed to assault the Ravi who was not noticed for any injury by the treating doctor, his case is similar with the other two co-accused who have already been granted bail by this Court, I am inclined to allow the instant MCRC. Consequently, the instant MCRC is hereby 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 First Additional Judge to the Court of First Additional Sessions Judge Raipur, C.G. in connection with S.T.No.10/17 for his appearance before the said trial Court as and when directed till conclusion of the trial.
6. 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 above, the Court below may proceed further under the provisions of law under intimation.
7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE