

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1980 of 2017**

1. Shashikant Mahant S/o Vidhyanand Mahant Aged About 35 Years
2. Vikas @ Pintu Mahant (Wrongly Mentioned As Hant) S/o Vidhyanand Mahant Aged About 28 Years

Caste Panika, R/o Village Kotmi, Police Station & Tahsil Dabhra, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station-Dabhra, District- Janjgir- Champa Chhattisgarh.

---- Respondent

For applicant	Mr. Rajkumar Pali, Adv.
For Respondent/State	Mr. UKS Chandel, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 19/2017 registered in PS Dabhra, Distt. Janjgir Champa (CG) for offence punishable under Section 294, 506, 323, 353, 186 and 34 of IPC. Charge sheet has been filed and pending before the JMFC, Dabhra, Distt. Janjgir Champa as Criminal Case No. 97/2017.
3. Learned counsel for the applicant submits that the applicants are the first offender. No criminal antecedent is reported by the police in the case diary. The applicants will not repeat the offence if bail is granted to them. They are in jail for last 49 days. As per written complain given by the wife of the A-1, prior to the present incident, the complainant in the present case assaulted the wife of A-1 to outrage her modesty. Though till date police has not registered any crime, but looking to other facts, matter may be considered sympathetically.
4. Per contra, learned State counsel opposed the bail application. However he fairly conceded that no criminal antecedent of the applicants is reported in the police case diary.
5. Perused the material.
6. As per allegation both the applicants after they were asked to pay the

outstanding electricity bill, entered into the office of present complainant and used obscene words, gave one slap and also threatened to kill him and with this obstructed to perform the work for which the complainant was entrusted. The complainant closed the door of his office and saved himself.

7. On due consideration as the applicants are in jail for last 49 days and they are first offenders, charge sheet has been filed, I am inclined to allow the application. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Dabhra for their appearance before the said Court regularly as and when directed by the said Court.
8. 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 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: (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.
9. CC as per rules

Sd/-
(Chandra Bhushan Bajpai)
Judge