

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2296 of 2017**

1. Mohan Sonkar. S/o Mukund Sonkar, Aged About 42 Years
2. Satish @ Sonu Sonkar, S/o Mohan Sonkar, Aged About 19 Years

Both are R/o Aghan Nagar, Kankalinpara, Police Station Kanker, District North Bastar Kanker Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kanker District North Bastar Kanker Chhattisgarh

---- Respondent

For applicants	Mr. D.N. Prajapati, Adv.
For Respondent/State	Mr. Anant Bajpail, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26/04/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 6-2-2017 in connection with Crime No. 18/2017 registered in PS Kanker, Uttar Bastar, Kanker (CG) for offence punishable under Section 323, 294, 506(B), 324 and 326/34 of the IPC.
3. Learned counsel for the applicants submits that after investigation, charge sheet has been filed and the same is pending before the CJM, Uttar Bastar, Kanker, CG as Criminal Case No. 196/2017. The injuries noticed over the body of Khilesh was simple in nature. Injury of fracture of incisor tooth noticed over the body of Rajiv Patel was caused by the sharp edged weapon. Rajiv Patel remained admitted for 2 days only. Khilesh was admitted for 3 days only. Thereafter they have been

treated as outdoor patient. Rajeev Patel was further admitted to Shri Balaji hospital at Raipur though there is no material to demonstrate as to how many days he was further admitted in the said hospital. The applicants are in jail for 2 months and about 20 days. They are first offender and on account of some trivial dispute, the present incident happened. They will not commit any offence in future hence they be granted bail.

4. Per contra, learned counsel for the State opposes the bail application, however fairly conceded that Uttar Bastar, Kanker police has not collected any material against the applicants about their criminal antecedents. Assault was made over Rajiv Patel by applicant Satish with a knife and Rajiv Patel sustained injury i.e. fracture of incisor tooth which was grievous in nature. Hence looking to the act of the present applicants, the instant MCRC may be dismissed.
5. Perused the entire material.
6. On due consideration that both the applicants are in jail for last 2 months and about 20 days till date, charge sheet has been filed, trial may take some time, there is no disclosure of fact whether Rajiv Patel was admitted in Shri Balaji Hospital, Raipur on or after 11-1-2017, the applicants are first offender with no criminal antecedents and as there is no further complication regarding Rajiv Patel shown in the charge sheet, I am inclined to grant bail to both the applicants. 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 CJM,

Uttar Bastar, Kanker (CG) for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.

7. 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: (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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge