

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2133 of 2017

1. Kanhaiya Singh S/o Sukhram Singh, Aged About 40 Years, Caste-Gond, R/o Korbi, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through : The Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Aditya Khare, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

13-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.62/2017 on 24-02-2017 by Katghora, District Korba, C.G. police for the offence under Section 324 of the IPC and Section 3, 5 of the Tonhi Pratadna Adhiniyam. After investigation police had filed the charge sheet which is pending before the JMFC Katghora, Distt. Korba, C.G. as Criminal Case No.186/17. The applicant is the first offender. He is in jail for more than 1 and ½ months. He will not commit any offence in future. He may be granted opportunity to remain in bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the applicant was making sorcery over one Purnima and applied hot oil in the hand and head of said victim which developed blister. Looking to the conduct of the applicant, the instant MCRC may be dismissed.
4. Perused the entire material.
5. The applicant is in jail since 1 and ½ months, he is first offender, also no any other criminal antecedent is reported. Police had completed the

investigation, filed the charge sheet. Trial may take some time and looking to the entire facts and circumstances, I am inclined to grant one opportunity to the applicant so that he may not involve in similar act again with anybody or not commit any of the offences and remain peacefully in society to face the charges against him. 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 Judicial Magistrate First Class Katghora, District Korba, C.G for his appearance before the said trial Court as and when directed.

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