

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2170 of 2017**

- Murli Mahant S/o Late Laldas, Aged About 40 Years R/o Village Umendi Bhatha, Mudiyanar, Outpost Hardibazar, District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., Outpost Korbi, Police Station Pasan, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri BP Singh, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.73/2016 registered in Police Station Outpost Korba, Police Station Pasan, Distt. Korba for the offence punishable under Sections 147, 186, 353, 342, 506 & 294 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.3.2017, charge sheet is yet to be filed, the applicant has been remanded by Judicial Magistrate First Class, Katghora, Distt. Korba. The applicant is the first offender, the incident happened on 26.10.2016, offence under Section 353 and

other sections are bailable, the applicant is in jail for one month and five days, there is no criminal history against the applicant, co-accused Govind Ram, Ravindra and Ashok were granted bail by Additional Session Judge, Katghora in Bail Petition No.88/16 vide order dated 16.11.16, co-accused Santosh Banjare was granted bail by Additional Sessions Judge, Katghora in Bail Petition No.90/16 vide order dated 16.11.2016 and co-accused Dhola @ David was granted bail by Additional Sessions Judge, Katghora in Bail Petition No.89/16 vide order dated 16.11.2016, now only the applicant remain in custody. The trial may take sometime for its conclusion, the applicant will not commit any offence in future, hence, he may granted bail during trial.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that the incident happened on 26.10.2016, present applicant is the main accused, who created disturbance during a programme, the police interfered and attempted to maintain peace, but the present applicant used obscene words in the loud speaker about the police force and also incited the mob against the police, however, there is no report of criminal antecedent against him. Looking to the entire act and the role played by the applicant, his application for bail may be dismissed.

5. Perused the entire material.

6. During perusal of the entire matter, it is observed that the certified copy of the orders, filed on behalf of the applicant,

granting bail to the co-accused persons by the Additional Sessions Judge, Katghora, issued by Officer-Incharge, Copying Section, Katghora, Distt. Korba, bail petition number is not mentioned. Bail petition number is the most important identification regarding order passed in any application for bail. It appears that the Officer-Incharge, Copying Section, Katghora failed to verify whether bail petition number is mentioned in any of the above three certified copy of the orders or not. Bail petition number was known to this Court only when on behalf of the applicant additional material showing bail petition number was placed. Otherwise, it was impossible for this Court to observe in which bail petition the aforementioned co-accused were granted bail by the Additional Sessions Judge, Katghora. The Officer Incharge of the copying section is duty bound to place all the material in the certified copy so that information may be gathered regarding bail petition number. During hearing of the many cases, it is also observed that certified copy issued by subordinate court of this State is not as per the requirement under the Rules. With this, copy of this order be sent to the District Judge, Korba with a direction to send a copy to the Office incharge, Copying Section, Katghora so that it will be useful in future regarding compliance of relevant rules especially to mention the number of the petition and other information as required under the rules and not to commit this mistake again.

7. Registrar General is also directed take up the matter and after appropriate approval from the authority issue circular to all the subordinate court of the State and the Officer in charge of the copying section to comply relevant rules in relation with supply of certified copy and also to mention the correct identification so that there will not be any lack of information regarding identification in future.

8. The applicant was arrested on 22.3.2017 though in the case diary he was shown as absconding, he is in jail for one month and five days and five other co-accused were granted bail by Additional Sessions Judge, Katghora there is no earlier criminal antecedent of the applicant, the trial may take sometime, the matter is triable by Judicial Magistrate First Class only. On due consideration of the above facts, I am inclined to grant one opportunity to the applicant so that now the applicant shall not commit any offence in future, remain peacefully in the society following the laws of the State.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.40,000/- with one solvent surety in the like sum to the satisfaction of Judicial Magistrate First Class, Katghora for his appearance before the said Court as and when directed.

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

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE