

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2207 of 2017**

1. Sunil Ramteke @ Raja S/o Gwal Ramteke, Aged About 24 Years, R/o Sahu Para, Near Agan Badi, Ram Nagar, Supela, Police Station Supela, Tahsil & District Durg, Chhattisgarh

**---- Applicant**

**Versus**

1. State of Chhattisgarh Through Police Station- Supela, District Durg, Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Arun Kochar, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**19-04-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit the applicant along with two other co-accused are facing trial in a matter in relation with Crime No.1093/2010 registered by Supela police, District Durg, C.G. for the offence under Section 307, 294, 506 Part II/34 of the IPC. After investigation Supela police had filed the charge sheet against the present applicant and two other co-accused which is registered as Criminal Case No.1448/2017 pending before the JMFC Durg, C.G. for committal. The incident is of 25-11-2016. The applicant is not the main accused. He is in jail since 15-02-2017, with this, for more than two months he is in jail. The applicant is aged about 24 years, first offender, had not involved in any other offence earlier. As per the allegation, with the aid of Section 34 of the IPC and presence of the applicant on the spot along with main accused Amit Jos, he is involved. This is the Amit Jos who assaulted complainant Sunil Chailani by sharp and penetrating object and the said complainant/victim sustained penetrating wound below the chest and over left lung. The complainant was admitted in the hospital from 26-11-2016 till 13-

12-2016 and no other further complications were reported after discharge of the injured. Though the doctor opined the injuries as fatal to life, but looking to the involvement of the applicant, as he had not assaulted the applicant, merely present on the spot along with the main accused, his case is distinguishable from the main accused. He will not commit any offence in future. He may be enlarged on bail. It is further submitted that the other co-accused are in jail.

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 along with two accused were making altercation to the vendor who was selling morning breakfast and at the said time they gave threat to take the life and used obscene words as why the complainant is looking to them and thereafter Amit Jos assaulted by the sharp and penetrating object. Thereafter, all the three accused including the present applicant ran away from the spot, so, as the applicant involved in the offence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration of the facts that the applicant is in jail for more than two months, charge sheet has been filed, the injured was discharged on 13 December, 2016 and no any further complication shown in the case diary and it is not the applicant who actually assaulted by the sharp and penetrating object to the injured, looking to the entire role shown in the charge sheet of the applicant, I am inclined to grant one opportunity to the applicant so that he shall not commit any similar or other offence in future and may remain in society peacefully. 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 Durg, 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**