

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2251 of 2017**

Yogesh Kumar Sahu S/o Late Firanta Sahu Aged About 25 Years R/o Khaprabhatti, Gali No.3, Moba Raipur, Police Station Pandari, Tehsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Civil Line Police Station Raipur District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. Akhilesh Kumar, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**24/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 142/2017 registered in PS Civil Line Police Station, Raipur for offence punishable under Section 326, 294 and 506 part II of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed before the CJM, Raipur which is registered as Criminal Case No. 2824/2017. The applicant is the first offender. As per allegation, the applicant gave solitary blow to the complainant with a sharp cutting instrument. He was arrested on 28-2-2017. He has remained in custody for one month and 26 days. The injured was not at all hospitalized as an indoor patient though the injury is reported as grievous. It goes to show that there was no necessity medically for admission of the applicant in the hospital. If released on bail, he will not commit any offence in future. It is submitted that some discussion developed into the present incident. The applicant may be granted bail.

4. Learned State counsel opposes the bail application and submits that on account of solitary assault the treating doctor noticed 16 cm long injury on over head connected upto face. As the injury is grievous the bail application may be rejected.
5. Perused the entire matter.
6. On due consideration as there is no evidence regarding admission of the injured as an indoor patient, solitary blow was assaulted by the applicant, he is first offender, the incident occurred on account of a sudden verbal discussion, there was no prior meditation for the incident, I am inclined to grant bail. Consequently, instant MCRC is 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 CJM, Raipur CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge