

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2320 of 2017

1. Alok Kujur S/o John Brekmass Kujur, Aged About 24 Years, R/o House No. 60/58, First Battalion, S.A.F. Nandini, Bhilai, Police Station Supela, Tahsil & District - Durg, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The District Magistrate, Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P.Singh, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is arrested in connection with Crime No.641/2016 on 17-12-2016 by Mohan Nagar police, District Durg, C.G. for the offence under Section 307/34 of the IPC. The applicant is in jail since 4 months and 10 days. Charge sheet has been filed and the matter is presently pending before the JMFC Durg, C.G. as Criminal Case No.286/2017. The charge sheet has been filed against the present applicant and co-accused Vijay Pratap Singh. The co-accused was granted bail by the coordinate Bench of this Court in MCRC No.1099/2017 vide order dated 02-03-2017. As per the allegation, the applicant assaulted to injured Govind Rai when he intervened as the accused persons are telling obscene words to Manager and waiter of Upwan Bar. The injured received one incised wound in abdomen along with three lacerated wounds. The doctor in the query opined that injury over the abdomen was fatal to life, but the injured remained in the hospital as in-door patient from 17-12-2016 to 22-12-2016, i.e., for 6 days only, thereafter, there is no any history of any further complications

of the injured. The applicant is the first offender, in a trivial matter suddenly developed with another the incident happened. He will not commit any offence in future. The charge sheet has been filed, trial may take some time. Hence, he may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that earlier also police had registered Crime No.535/2016 for the offence under Section 294, 506, 323 against the present applicant which shows the earlier criminal antecedent of the applicant. It is further submitted that the applicant assaulted the injured who attempted for intervention over the abdomen and the said injury was fatal to life. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. On due consideration, as the applicant is in jail for more than 4 months, charge sheet has been filed, the injured already discharged from the hospital on 22-12-2016, thereafter no any further complications shown in the charge sheet, the trial may take some time, though the applicant was earlier involved in another matter, but as the applicant submits that he will not commit any offence in future, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and remain in society without commit any crime. 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.30,000/- 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