

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.2379 of 2017**

- Shyam Sundar S/o Shri Panchram, Aged About 43 Years R/o Village- Kachkoba, Police Station Tamnar, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station- Tamnar, District Raigarh, Chhattisgarh.

---- Respondent

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For Applicant : Shri Manoj Kumar Sinha, Advocate  
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****02.5.2017**

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.15/2017 registered in Police Station Tamnar, Distt. Raigarh for the offence punishable under Sections 294, 506, 323, 307 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 07.3.2017, charge sheet is yet to be filed and the matter is remanded by Judicial Magistrate First Class, Gharghoda, Distt. Raigarh. As per the allegation, the applicant assaulted many blows to his real sister on account of partition dispute. The injured remained in hospital for five days only i.e. from 22.01.17 to 30.01.17. The incident happened on a sudden

provocation and other facts, he will not commit any offence in future, the trial may take sometime for its conclusion, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that the injuries noticed over the body of injured Lalkumari was fatal to life, in the medical examination small hemorrhagic contusion was noticed over the temporal region and fracture was also reported in frontal region and looking to the entire facts, the application for bail may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for one month and two days, the injured is already discharged from the hospital and thereafter no further complication is surfaced in the case diary, the incident happened on account of some dispute regarding partition, charge sheet is not yet filed and the trial may take sometime for its conclusion, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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

8. 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 of like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

9. 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