

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2387 of 2017**

- Karan Ram Rajwade S/o Gokul Rajwade Aged About 26 Years
R/o Village Kanti Police Station Darima, Tahsil Ambikapur,
District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Darima, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Shrivastava, Advocate
For Respondent/State	: Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13.4.2017**

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.157/2016 registered in Police Station Darima, Distt. Sarguja for the offence punishable under Sections 294, 323, 506-B, 324, 307, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that earlier Crime No.157/2016 was registered against the applicant and another co-accused by Darima Police, District Surguja for causing injury to complainant Laxman Rajwade. On the same day he was arrested by the police and thereafter granted bail by the police itself. During investigation, after obtaining query regarding nature of the

injury of the injured, the concerned police added Section 307/34 of the IPC. The injured was admitted in the hospital from 05.11.2016 to 08.11.16. Subsequently, the applicant was arrested on 14.3.2017 and till date he is in jail. The applicant was remanded by Chief Judicial Magistrate, Ambikapur. The applicant is the first offender, the injured is his near relative, both of them have compromised after the incident, the applicant will not commit any offence in future, charge sheet is not yet filed, hence, he may be released on bail.

4. Per contra, learned counsel for the State opposes the bail application and would submit that by a sharp edged weapon, the applicant assaulted complainant Laxman Rajwade and caused one incised wound at left frontal region. The doctor who conducted the MLC has reported that the injury is grievous in nature and also on query the doctor opined that the injury was fatal to life, with this, the Police added Section 307 of IPC and looking to the act of the applicant, instant application may be dismissed. But he fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the matter.

6. The incident is about more than five months old. The injured was admitted in the hospital for four days only. Thereafter no further complication was reported or shown in the case diary. The applicant is the first offender and as submitted, he will not commit any offence in future, charge sheet is not yet filed.

7. On due consideration, I am inclined to grant one opportunity to the applicant so that he will not commit any offence of similar or other nature in future.

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

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Ambikapur for his appearance before the said Court as and when directed.

10. 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 today itself.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE