

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2426 of 2017**

1. Shankar Yadav S/o Vishal Yadav, Aged About 45 Years
2. Radheshyam Yadav, S/o Shankar Yadav, Aged About 23 Years
3. Sunil Yadav, S/o Rama Yadav, Aged About 27 Years
4. Pradeep Yadav, S/o Falit Yadav, Aged About 20 Years

All R/o Village- Karimati, Police Station- Pandatarai, District- Kabirdham, Chhattisgarh. Mo. No. 9179635953 .

---- Applicants

Versus

The State Of Chhattisgarh Through: Police Station- Pandatarai, District- Kabirdham Chhattisgarh.

---- Respondent

For applicants	Mr. D.K. Gwalre, Adv.
For Respondent/State	Mr. O.P. Sahu, GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15/05/2017**

1. Heard on I.A. No. 1/2017 for urgent hearing.
2. On due consideration, I.A. No. 1/2017 is hereby disposed of.
3. Learned counsel for the State submits that since diary of the present matter and also the entries of the case diary in relation to Crime No. 19/2017 is with him, he is ready to argue the matter finally.
4. With consent of the parties the matter is heard finally.
5. The applicants have preferred this application for grant of bail as they are arrested on 13-3-2017 in connection with Crime No. 20/2017 registered in PS Pandatarai, Distt. Kabirdham at Kawardha (CG) for offence punishable under Section 147, 148, 149, 294, 307, 323 and 506 of the IPC.
6. Learned counsel for the applicants submits that other two co-accused were also arrested on 14-3-2017. They have not filed any MCRC before this court. They are still in custody. After investigation,

Pandatarai police has filed charge sheet on 25-4-2017 which is pending before the JMFC, Pandaria, CG as Criminal Case No. 158/2017. All the applicants are in jail since 2 months and 2 days till date. As per allegation, they along with other co-accused caused lacerated wound two in number to Shivkumar, one lacerated injury to Tikaram over the head by hard and blunt object. On X-ray examination, no bony injury has been reported. Injured Shivkumar was admitted in the hospital on 13-3-2017 till 23-3-2017. Thereafter he was never admitted in the hospital as indoor patient and no further complication has been reported in the charge sheet. Other injured were not admitted in the hospital though treated after MLC. The applicants are first offender and on their report, Pandatarai police registered Crime No. 19/2017 against 4 accused persons namely Tikaram, Shivkumar (injured in the present case), Dashrath and Sukhnandan under Section 294, 506, 323, 34 of the IPC. Police has filed charge sheet against all those four accused persons on 30-4-2017 which is pending before the JMFC Pandaria though learned counsel for the applicant is not in a position to state the criminal case number. There was no premeditation and the incident developed suddenly. He further submits that looking to the period of custody of all the applicants, they are first offenders and there was fight between both the groups and on the basis of report lodged on behalf of the applicant No. 2 Radheshyam, police has registered the matter also against the 4 accused persons as aforementioned, the applicants will not commit any offence in future, trial may take some time, hence the application may be allowed and they may be enlarged on bail.

7. Per contra, learned counsel for the State opposes the bail application and submits that looking to the nature of injuries on vital portion of the body of Shivkumar and Tikaram and the act committed in entirety, instant MCRC may be dismissed.

8. Perused the matter.
9. On due consideration as the applicants are in jail for 2 months and 2 days, injured Shivkumar was discharged from hospital only on 23-3-2017, no further complication is shown in the charge sheet for any of the injured, the applicants are first offender and after consideration the matter under which the incident developed which resulted in two criminal cases registered against each other and as submitted the applicants will not commit any offence in future, I am inclined to grant bail to the applicants.
10. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 50,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Pandaria for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.
11. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain 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.
12. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge