

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2682 of 2017

- Ramkumar @ Ram Yadav, S/o Shekhar Yadav, Aged About 25 Years, R/o Joginagar, Durg Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri Goutam Khetrapal, Advocate.

For Non-applicant/State : Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

12.09.2017

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.805/2016 on 01/11/2016 by Police Station Durg, Distt. Durg (C.G.) for the offence under Section 323, 307 & 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet which is pending presently before the Second Additional Judge, Durg (C.G.) as Sessions Trial No. 42/17. As per allegation, applicant along with 2 other co-accused by sharing common intention assaulted the Dadan @ Gagan Chauhan by knife and accused following 4 injuries

(i) Incised wound 2x1x1 in I/W over left buttock.

(ii) Incised wound 1x1/2x3 over left buttock.

(iii) Abrasion 12x1/2 over left shoulder.

(iv) Lacerated wound 1 1/2x2 1/2.

were in simple nature. The injured were admitted in the hospital from 30/10/16 to 06/11/16 thereafter there is no further complications surfaced for the injuries received. The knife has been seized from the applicant. The applicant is the first offender and will not commit any offence in future, co-accused Soni Yadav and Pintu Yadav who had shared common intention along with applicant have already been granted bail in MCRC No. 649/17 and MCRC No. 771/17 dated 15/02/2017 by the Coordinate Bench, he may also be granted bail during trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant on the basis of facts surfaced as for no reason, applicant assaulted by knife and caused injuries, though fairly considered and also submit that earlier Crime No. 04/17 under some different penal provisions has been registered against the applicant, hence the instant MCRC may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since 10 months and 12 days till date, charge sheet has been filed, trial may take some time, co-accused have already been granted bail by the Coordinate Bench, though the applicant is the main accused but looking to the injuries caused and other facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Trial Judge for his appearance before the said Court regularly as and when directed by the said Court.

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 applicants 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.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, registered in outpost Padmnabhpur, Police Station Kotwali, Distt. Durg (C.G.) **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Durg, Distt. Durg (C.G.) as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench,

under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. In addition, the applicant is directed not to communicate/contact in any manner with the injured, his family members and the witnesses cited in the charge-sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the injured and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

13. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge