

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2775 of 2017

- Haribhau Manthanwar S/o Adaki Jee Manthanwar, Aged About 70 Years, R/o L I G No. 38, Varsh Raksha Colony, Bada Patthar Ranjhi, Jabalpur, Police Station Ranjhi, District Jabalpur, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Seema Singh, Advocate.

For Non-applicant/State – Mr. Sayed Mazid Ali, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.664/2016 on 23-12-2016 by P.S. Jamul District - Durg, C.G. for the offence under Section 307 of the IPC. After investigation police had filed the charge sheet against the applicant, the same is probably pending before the CJM Durg, C.G. as Criminal Case No.2073/2017. Learned counsel for the applicant is not in a position to state the fact whether till date the matter is committed to the Court of Sessions or not. There is no other criminal antecedent of the applicant. The applicant is aged about 70 years. The injured/daughter-in-law of the applicant received 4 injuries, out of those four injuries three injuries were simple in nature and regarding remaining injury over the neck the doctor opined possibility of the injury as fatal to life though the victim was not at all admitted in the hospital as in-door patient, the said fact is not mentioned in the charge sheet. The applicant is in jail since five months and 14 days till date. He is first offender, not having any criminal antecedent. Trial may take some time. 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 on the basis of four injuries inflicted by the applicant, though fairly conceded that there is no any material for how many days the applicant admitted as in-door patient and also fairly conceded that there is no any earlier criminal antecedent of the applicant. He further submitted that the knife used by the applicant is seized. The applicant is resident of District Jabalpur, M.P. and on account of family dispute with the victim and his son he came at the residence of the victim and assaulted in the pretext to return to her husband's residence and when the victim denied for the same thereafter he assaulted accordingly. Hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is aged about 70 years, he is in jail since 5 months and 14 days till date, he had no other criminal antecedent, three injuries were simple in nature, regarding one injury over the neck possibility of fatal to life was opined, the complainant /victim was never remained as in-door patient for her treatment, trial may take some time, on entire consideration, I am inclined to grant bail to the applicant so that he shall not again involve in any offence in future and shall live peacefully in society. 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.50,000/- with two solvent surety of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Durg, C.G./Court of Sessions Durg, C.G., as the case may be, for his appearance before the said Court as and when directed till trial.

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)
Vacation Judge