

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3347 of 2017**

Tintiyus Ekka S/o Jakhriyus Ekka, Aged About 42 Years Caste Uraon,
R/o Marga, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jashpur, District Jashpur,
CG.

---- Respondent

For applicant	Mr. A. K. Prasad, Adv.
For Respondent/State	Mr.UKS Chandel, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 27-3-2017 in connection with Crime No. 71/2017 registered in PS Jashpur, Distt. Jashpur (CG) for offence punishable under Section 307 and 294 of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the Sessions Judge, Jashpur as ST No. 27/2017. This is his first bail application before this Court. He is first offender. As per allegation the applicant assaulted his real brother Vijay Ekka by axe and also assaulted Rosalia Ekka, wife of his brother. In the said incident, Vijay Ekka received one incised wound measuring 8 cm x 2 cm x bone deep over left clavicle bone, bleeding with no fracture. The doctor opined the injury received as grievous. Risalia Ekka received simple injury of 2 cm on left arm and right knee. Vijay was admitted in the hospital from 25-3-2017 till 1-4-2017 i.e. for 8 days. The applicant will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the bail application on the basis of nature of injury caused to Vijay Ekka for no fault of him.
5. Perused the matter.
6. As the applicant is in custody since 3 months and 8 days till date, the applicant is first offender, charge sheet has been filed, trial may take some time, injured was discharged on 1-4-2017, till date no any post complication is surfaced in the injuries, though nature of the injury was grievous and assault was on vital part but on due consideration of the entire facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 sureties of Rs. 25,000/- each to the satisfaction of the Sessions Judge, Jashpur CG for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge