

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3294 of 2017

- Indrabhan S/o Fulaina Ram, Aged About 23 Years, R/o Rajiv Nagar, Chhawani Bhilai, Police Station: Jamul, Tahsil & District: Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg, and also through Police Station: Jamul, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.148/2017 on 12-3-2017 by P.S. Jamul, District Durg, C.G. for the offence under Section 25, 27 of the Arms Act, 1959. After investigation police had filed the charge sheet, which is pending before the JMFC Durg, C.G. as Criminal Case No.2837/2017. As per the allegation, one sword like sharp edged weapon was seized from the applicant, the applicant was showing the said sword before public and threatening the passerby. Learned counsel for the applicant would also submit that earlier Crime No.283/2010 under Section 452, 294, 506 Part II, 323/34 of the IPC and Crime No.418/2014 under Section 294, 427 of the IPC have been registered against the applicant, and on the same date of the incident another Crime No.147/17 under Section 452, 294, 506 Part II, 323 of the IPC has been registered against the applicant which is pending as MCRC No.3205/2017 and disposed of by granting bail to the applicant by this Court. The applicant has not been convicted by any criminal Court. The trial may take some time. The applicant will not commit any offence in future. He may be granted an

opportunity to remain in 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 two other matters registered against the applicant as aforementioned and on the same date of the incident another matter as aforementioned registered against the applicant, and also the act of the applicant, he was publicly exhibiting the sharp edged weapon of restricted category.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 12 days, charge sheet has been filed, though as aforementioned total three other matters have been registered against the applicant, but the matter is triable by the Judicial Magistrate First Class, trial may take some time and as submitted the applicant will not commit any offence in future, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence 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 sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Durg, C.G. 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Jamul, District Durg, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

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

10. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge