

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3283 of 2017

- Pushpraj Singh Thakur S/o Balbhadra Singh, Aged About 19 Years, R/o Madku, Outpost- Sargaon, Police Station - Pathariya, Civil District Bilaspur and Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Outpost Sargaon, Police Station Pathariya, Civil District Bilaspur and Revenue District Mungeli, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Pallav Mishra, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

05-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.18/2017 on 16-2-2017 by Outpost Sargaon, Police Station Pathariya, District Mungeli, C.G. for the offence under Section 147, 186, 332, 353, 427 of the IPC. After investigation police had filed the charge sheet before the CJM Mungeli against the present applicant and also shown co-accused Ajay Satnami, Tulasi Sahu and others absconding and submitted that after arrest of other co-accused persons police will file supplementary charge sheet under Section 173(8) of the Cr.P.C. The applicant is in custody since long and as per panchnama, loss of Rs.1500/- for damage in the two-wheeler was appreciated. During the incident ASI P.R. Jagat, Head Constable Prem Sidar, Constables Tekeshwar, Mangal Das and Komal Singh not received any forcible injuries. The applicant is first offender, though earlier Crime No.125/2016 under Section 392/34 of the IPC has been registered against the applicant, the same is being tried as Criminal Case No.865/2016. In the said matter he was granted bail by the Court below, he is facing trial along with two other co-accused in the said matter; complainant Sunil Ram

(PW-1) and other important witnesses regarding the alleged role of the applicant turned hostile, not supported the case of prosecution. Another matter Complaint No.433/16 was in connection with preventive proceedings under Section 107, 116(3) of the Cr.P.C., the same is closed after mandatory period of 6 months. The applicant may be given an opportunity. As per the allegation on 13-01-2017 one person drowned in the annicut, when he was taken out he was not responding, as per the allegation, the applicant and other 15 to 20 co-accused after some dispute assaulted the police party reached at the spot for help and keeping law and order. The applicant will not repeat the offence in future. He may be granted bail.

3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of nature of incident committed by the applicant and other many co-accused and also the earlier criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 19 days till date, charge sheet has been filed, trial may take some time, the police has filed supplementary charge sheet against other co-accused under Section 173(8) of the Cr.P.C. and also the trial of the applicant may take some time, the damage caused to the two-wheeler of police party was of Rs.1500/- only, no any police personnel received any noticeable injury, though earlier Crime No.125/2016 has been registered against the applicant, after consideration of the entire facts regarding trial of said matter, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on him 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 Chief Judicial Magistrate Mungeli, 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 Outpost Sargaon, P.S. Pathariya, District Mungeli, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against them. 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. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE