

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3621 of 2017**

- Bhaira @ Phoolsinh Yadav S/o Late Mangal Sai Aged About 35 Years R/o Village Chhotekawali, Police Station- Phraserpur, District - Bastar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Phraserpur, District - Basatar, Chhattisgarh.

---- Respondent

For Applicant : Shri Vimlesh Bajpai, Advocate
 For Respondent/State : Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.6.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.18/2017 registered in Police Station Phraserpur Distt. Baster for the offence punishable under Section 294, 323, 325, 452, 506 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 09.3.2017, after investigation charge sheet has been filed before Chief Judicial Magistrate, jagdalpur which is pending as Criminal Case No.277/2017. Learned counsel for the applicant submits that earlier the applicant was arrested by the police on 07.02.2017 and as the offence at that point of time registered was a bailable one, he was enlarged on bail by the police

itself. Thereafter when after the x-ray examination, the doctor noticed fracture over the right humerus bone of the victim, then the police registered the matter under Section 325 IPC, arrested the applicant and had taken judicial remand from the concerned criminal court, since 09.3.2017 he is in custody. Learned counsel for the applicant further add that victim is the aunt of the applicant and on account of some dispute between the victim Padma and her son in the house, the applicant intervened and as per allegation he assaulted Padma. He is the first offender, he will not commit any offence in future, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application on the ground that without any reason the applicant assaulted the victim and caused her fracture over right humerus bone.

5. Perused the entire material.

6. The the applicant is in jail for three months and twelve days, he is the first offender, he never involved in any of the crime with family members or with his neighbours, the trial may take sometime for its conclusion, and considering other facts, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like sum amount to the satisfaction of Chief Judicial

Magistrate, Jagdalpur for his appearance before the said Court as and when directed.

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 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 the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE