

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3757 of 2017**

- Mukesh Kumar Sinha S/o Shri Uma Lal Sinha, Aged About 19 Years R/o Motipur, Ward No. 8, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Shailendra Dubey, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.6.2017**

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.10/2017 registered in Police Station Dongargarh, Distt. Rajnandgaon for the offence punishable under Sections 307, 147, 148, 149, 435, 353, 332 and 186 of the Indian Penal Code and Sections 3 & 4 of Prevention of Damages to Public Property Act, 1984.

3. Learned counsel for the applicant submits the applicant is arrested on 20.01.2017, after investigation, police has filed charge sheet which was initially registered as Criminal Case No.128/17 before Judicial Magistrate First Class, Dongargarh, Distt. Rajnandgaon and later the matter was committed which is pending

before Additional Judge, Dongargarh to the Court of First Additional Sessions Judge, Rajnandgaon as Session Trial No. 02/17. The police has filed charge sheet against 13 accused persons before regular Court and also filed supplementary charge sheet against three juvenile before Juvenile Justice Board, Rajnandgaon. Out of the above, one juvenile Manoj Nishad is absconding, the police has also shown other nine accused persons as absconding and submits that against those nine absconding accused persons a supplementary charge sheet may be filed after their arrest u/s 173(8) of Cr.P.C. The 12 co-accused persons were granted bail by this court vide order dated 17.5.2017 in M.Cr.C. No.2049/17, 2579/17, 2693/17, 2676/17 and 3109/17. The present applicant is the only co-accused remaining in jail who has filed the instant MCRC for his released on bail. The applicant is in custody since five months and three days till date. His case is similar to the above 12 accused persons who were granted bail as aforementioned and also similar to the juvenile Gajendra Sahu and Komal Kanwar who were also granted bail by the coordinate Bench of this court vide order dated 05.5.2017 passed in CRR No.391/17. Hence, on the principle of parity and other facts the applicant may also be granted bail as the trial may take sometime. The applicant is the first offender, he will cooperate with the trial as directed.

4. Per contra, learned counsel for the State opposes the bail application and would submit that looking to the act of the present applicant as he along with other co-accused assaulted the police party and thereby obstructed them from discharging their duty,

attempted to take life of Head Constable Sakun Sahu, set fire on four wheeler, wireless set and other vehicles of the police party.

5. Heard the parties and perused the entire material.

6. On due consideration of the fact that the applicant is in jail for five months and three days, charges have been framed and looking to the entire facts and circumstances and also as nine accused persons are absconding and the injured constable Sakun Sahu remained in the hospital for six days only there after no any further complication is surfaced in the charge sheet, except offence under Section 307 of IPC all other offences are not liable for punishment for imprisonment of life, 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, 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.50,000/- with two solvent sureties of Rs.25,000/- to the concerned trial Judge 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark her appearance before the Station House Officer/IO, Police Station Dongargarh, Distt. Rajnandgaon (CG) on **First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Dongargarh, Distt. Rajnandgaon as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE