

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3881 of 2017

- Subhash Basor S/o Braijlal, Aged About 38 Years, R/o Village Salka, Police Station and Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Baikunthpur, District- Korea, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

14-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.134/2017 on 05-5-2017 by P.S. Baikunthpur, Distt. Korea, C.G. for the offence under Section 294, 506-B, 323, 326 of the IPC and Section 25 and 27 of the Arms Act, 1959. After investigation police had filed the charge sheet, which is pending before the CJM Korea at Baikunthpur, C.G. as Criminal Case No.318/17. The applicant is first offender. This is the first bail application. Injured Shivchand is real brother of the applicant and Gayatri is wife of Shivchand. Gayatri received simple injury. Shivchand received one cut injury 5 x 2 x 1 cm. over the left arm which was opined by the doctor as grievous. The applicant will not commit any offence in future. On account of a dispute wherein Shivchand plucked mango from the tree belongs to the family the incident committed on a sudden provocation without prior premeditation. Also injured Shivchand was never admitted in hospital as in-door patient for the treatment. The applicant may be enlarged on bail.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant and would submit that looking to

the act of the applicant where he assaulted his own brother with a battle axe and caused injury, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 9 days till date, charge sheet has been filed, trial may take some time and looking to the other aspects and facts, I am inclined to grant one 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Korea at Baikunthpur, 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. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
JUDGE**