

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3961 of 2017**

Sanjay Verma S/o Siyaram Verma Aged About 30 Years R/o Village
Gatapar, Police Station Chhuikhadan, District- Rajnandgaon, CG

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Chhuikhadan, District- Rajnandgaon, Chhattisgarh

---- Respondent

For applicant	Mr. Ajay Thakre, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 10-5-2017 in connection with Crime No. 21/2017 registered in PS Chhuikhadan, Distt. Rajnandgaon for offence punishable under Section 498-A/34 and 323 of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Chhuikhadan, Distt. Rajnandgaon but he is not aware of the criminal case number. Charge sheet has been filed against three accused persons namely Siyaram Verma, father, Vimla Bai, mother and the present applicant. Other co-accused are granted bail by the coordinate bench under Section 438 of the Cr.P.C. but he is not aware of the MCRCA number, date of the order. As per submission this fact is corroborated in the order dated 15-5-2017 passed by the Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon passed in Bail Petition No. 86/2017. In the said order, it is submitted on behalf of the present applicant that father and mother of the applicant already

enlarged on bail. As per allegation marriage of the applicant and complainant was solemnized on 16-1-2016. The applicant committed cruelty and also beaten the complainant causing 3 simple injuries, one abrasion and two contusions and thereafter the complainant lodged the report against the applicant and her in-laws. The applicant and the complainant both are employed in health department and school education department of government of Chhattisgarh. The applicant is in custody since long. Earlier present applicant had filed MCRC No. 129/2017 which was disposed of as withdrawn without any appreciation on its merit on 20-4-2017 as the applicant intended to surrender before the concerned criminal court. Thereafter he surrendered and presently languishing in jail. He will not commit any offence in future. Trial may take some time hence he may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced and submits that looking to the entire act of the applicant, instant MCRC may be dismissed.
5. Perused the entire material.3961
6. As the applicant is in custody since 2 months and 9 days, charge sheet has been filed, other co-accused have been granted bail as stated, trial may take some time, after considering the nature of injuries and other facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 each of Rs. 25,000/- to the satisfaction of the JMFC, Chhuikhadan, Distt. Rajnandgaon CG for his appearance before the said Court regularly as and when directed by the said Court.

7. 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: (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.
8. In addition, the applicant is directed not to communicate / contact in any manner with the complainant and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the complainant and the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.
9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge