

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3933 of 2017**

Vinay Kumar Patel S/o Shri Kushal Prasad Patel, Aged About 22 Years
R/o Badhedevegaon, Police Station And Tahsil - Kharsiya, District -
Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - District Magistrate, Janjgir District
Janjgir Champa CG . Through - Police Station - Sakti, District Janjgir
Champa CG.

---- Respondent

For applicant	Mr. Deepak Kumar Singh, Adv.
For Respondent/State	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12/7/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 1-5-2017 in connection with Crime No. 281/2017 registered in PS Sakti Distt. Janjgir Champa (CG) for offence punishable under Section 294, 506, 323, 252, 253, 186, 147, 427 of the Indian Penal Code, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1983.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against the applicant only as other accused are not traceable during investigation and the matter is pending before the JMFC Sakti, Distt. Janjgir Champa as Cri. Case No. 274/2017. He is aged about 22 years. He is a student and the first offender. On account of some discussions present incident has occurred. He is being implicated falsely in the matter. There is no any visible injury caused to any of the victim. There is no MLC conducted by the doctor. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the bail application and submits that the applicant reached to the Railway Station, Sakti and on account of some interaction caused damage to the public property, deter the public servant from doing their job, assaulted them and committed entire act. By this, he caused damage to the public property worth Rs. 90,000/- as assessed by the police during investigation, later the technical person assessed loss to the public property i.e. 1 monitor and three printers at Rs. 31,000/- only. Looking to the entire act, as the applicant has taken the law in his own hand and deter railway employees from doing their duty, assaulted them and other act, instant MCRC may be dismissed. Though he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the entire matter.
6. As the applicant is in custody since 2 months and 12 days, initially FIR was lodged against applicant and other 6 to 7 persons but ultimately during investigation police had not traced the other accused persons, filed charge sheet against present applicant only, the applicant is first offender, trial may take some time, the technical persons assessed the damage to the public property for Rs. 31,000/-, and there is no visible injury caused to any of the public servant, and as submitted the applicant will not commit any offence in future, I am inclined to grant last 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the JMFC Sakti 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Sakti on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

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. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge