

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3982 of 2017**

Rupesh Dhruv S/o Shri Kesh Singh Dhruv, Aged About 22 Years R/o
Shastri Nagar Fokatpara, Police Station: Devendra Nagar, Raipur,
District Raipur (Chhattisgarh) Mobile No. 9691055513

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station :
Civil Lines Raipur District : Raipur (Chhattisgarh)

---- Respondent

For applicant	Mr. Pradeep Kumar Rathore, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****1-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 8-2-2017 in connection with Crime No. 106/2017 registered in PS Civil Lines, Raipur Distt. Raipur (CG) for offence punishable under Section 294, 323, 506-B, 147, 148, 149, 201, 307/34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against total 6 accused persons including present applicant and the same is pending before the CJM Raipur as Cr. Case No. 3655/2017. May be the matter is committed to the Court of Sessions for trial but learned counsel is not aware of the ST number. Learned counsel submits that he is first offender. As per allegation he along with 5 other co-accused after formation of unlawful assembly armed with deadly weapon i.e. club and battle axe assaulted and committed marpeet with Manoj Kurre, Dev Singh and Dileshwar. As per charge sheet, injured Manoj Kurre received one lacerated wound size 3 x 1 x 1 cm over skull with clotted blood, one

lacerated wound size 1 x ½ cm x skin deep over left leg, he was conscious at the time of MLC, the injuries were caused by hard and blunt object, X-ray was not performed, on CT scan examination of head, the doctor noticed hematoma in the concerned area, and fracture of lateral wall of maxillary. Injured Dev Singh received one lacerated wound over right parietal region size 8 x ½ cm, in the CT scan, the doctor noticed no significant abnormality. Injured Dileshwar received one lacerated wound size 5 x 1 cm over occipital region, one lacerated wound 10 x 1 cm parietal region, one abrasion size 3 x ½ cm over left side of neck, in the CT scan, the doctor noticed no significant abnormality. All the three injured were not admitted in the hospital as indoor patient. Injuries were caused by hard and blunt object. The applicant is in jail since long. He will not commit any offence in future. He is the first offender. He may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and submits that looking to the entire facts, after forming unlawful assembly armed with deadly weapon, the applicant and other accused persons assaulted 3 injured persons as above and caused injuries over head and at vital part. With this instant MCRC may be dismissed.
5. Perused the matter.
6. As the applicant is in jail since 5 months and 23 days till date, charge sheet is filed, trial may take time, no criminal past of the applicant is reported by the police, the injured persons never admitted in the hospital as indoor patient, looking to the entire facts, without commenting anything on the merit of the case, 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 one solvent surety of the like sum

to the satisfaction of the CJM Raipur 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge