

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4143 of 2017**

1. Shekhar Prasad Yadav S/o Digambar Prasad Yadav Aged About 20 Years
2. Sahasram Sidar S/o Dulariram Sidar Aged About 40 Years
3. Lilaambar Mahant S/o Manadas Mahant Aged About 38 Years
4. Charan Singh Manjhi S/o Saalikram Manjhi Aged About 43 Years

All R/o Village Kirari Tahsil- Sakti, Police Station- Baradwar, Civil & Revenue District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station Officer, Baradwar, Police Station- Baradwar, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Hari Agrawal, Adv.
For Respondent/State	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

26-7-2017

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 17-4-2017 in connection with Crime No. 88/2017 registered in PS Baradwar, Distt. Janjgir Champa (CG) for offence punishable under Section 294, 508, 323, 324, 327 and 34 of the IPC.
3. Learned counsel for the applicants submits that after investigation, charge sheet has been filed which is pending before the JMFC Sakti, Distt. Janjgir Champa (CG). They are in jail since long. They are first offender. As per material collected, Sohanlal Sahu, the injured received one incised wound near left eye measuring 3 x 2 x 1", one abrasion, body pain but there was no fracture and injured himself denied for CT scan. The injured was not admitted in the hospital. The matter is triable by the Judicial Magistrate First Class. They will not commit any offence in future if granted bail. They may be granted bail

as the trial may take time.

4. Per contra, learned State counsel opposed the bail application on the basis of the offence committed by them.
5. Perused the material available.
6. As the applicants are the first offender with no criminal antecedent, they are in jail since 3 months and 9 days till date, charge sheet has been filed, the matter is triable by Judicial Magistrate First Class, looking to the entire facts collected, the injury caused and other facts surfaced, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of their furnishing a personal bond in the sum of Rs. 50,000/- with one solvent surety of the like sum to the satisfaction of the trial Court JMFC, Sakti for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain 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