

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4038 of 2017**

Liyakat Khan S/o Sartaj Khan, Aged About 24 Years R/o Banjari Nagar, Madrasapara, Police Station Khamtarai, District Raipur, CG.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. C.R. Sahu, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 5-3-2017 in connection with Crime No. 133/2017 registered in PS Khamtarai, Raipur, Distt. Raipur (CG) for offence punishable under Section 294, 506B, 307 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and which was initially registered before the JMFC as Criminal Case No. 3515/2017 and thereafter committed to the Court of Sessions and presently pending before the Sessions Judge, Raipur as ST No. 119/2017. This is his first bail application before this Court. He is first offender aged about 24 years. As per allegation, the applicant was running chicken shop and on account of demand of inertia selling of chicken, the incident has happened and injured Akash

Jaiswal received one lacerated wound size 7 x 2 cm over right lateral neck. The injury is reported as grievous. Injured was admitted in the hospital from 4-3-2017 till 11-3-2017. Thereafter no complication has been surfaced in the charge sheet regarding the injury received. He will not commit any offence. He is in custody since long. He may be granted bail during trial.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant as the applicant assaulted the injured with the chopper and caused grievous injury over neck as aforementioned hence instant MCRC may be dismissed. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. As the applicant is the first offender, he is in custody since 6 months and 7 days till date, charge sheet has been filed, trial may take some time, applicant is aged about 24 years, after discharge of the applicant no complication is reported in the injury, looking to the background of the incident and as submitted he will not commit any crime in future and considering entire facts 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 two solvent sureties each of Rs. 25,000/- to the satisfaction of the trial Court 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 injured and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. If so, the injured 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

