

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4124 of 2017**

1. Dadhipal Singh S/o Jawahar Singh, Aged About 30 Years Occupation Agriculture
2. Avtar Singh S/o Jawahar Singh, Aged About 22 Years Occupation Agriculture
3. Nirmodh Singh S/o Dharup Singh, Aged About 21 Years Occupation Agriculture

All are R/o Village Badkimahri, Police Station Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balrampur, District Balrampur, Chhattisgarh.

---- Respondent

For applicant	Mr. Dheerendra Pandey, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25-7-2017**

1. The applicants have preferred this application for grant of bail as they are arrested on 27-3-2017 in connection with Crime No. 45/2017 registered in PS Balrampur, distt. Balrampur Ramanujganj (CG) for offence punishable under Section 294, 323, 506, 307, 34 of the Indian Penal Code, 1860.
2. Learned counsel for the applicants submits that after investigation, charge sheet has been filed against applicants which is pending as Criminal Case No. 61/2017 before the JMFC Balrampur. Learned counsel for the applicants supplements that he is not aware as to whether the matter has been committed or not. In the incident Vijay Singh and Ajad received simple injuries. Dharamraj received one lacerated wound over left parietal region measuring 3 x 2 cm, other injuries were regarding tenderness etc. The doctor had not noticed any fracture in the said location. There is no abnormality noticed in the

CT scan report, though on inquiry, the doctor has opined that the injury received to Dharamraj was dangerous for human life and said patient might have died. Said injured was admitted in the hospital from 13th to 14th March, 2017 i.e. for 1 day only. Charge sheet has been filed, trial may take some time. The applicants are first offender and in a dispute between the parties regarding theft of money, it is alleged that the applicant assaulted Dharamraj, Vijay Singh and Ajad. They will not commit any offence in future. They may be granted bail as the trial may take time.

3. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants as all the applicants in the pretext of some dispute regarding theft of money assaulted the victims. In the said incident Dharamraj, Vijay Singh and Ajad received injuries including one injury of Dharamraj which was dangerous for human life as reported, hence instant MCRC may be dismissed. Though he fairly concedes that police has not reported any criminal antecedent of the applicants in the case diary.
4. Perused the entire material.
5. As all the applicants are in custody for about 4 months just two days short, charge sheet has been filed, trial may take some time, applicants are first offender and as submitted, they will not commit any offence in future, Vijay Singh, Azad received simple injury and though Dharamraj received a lacerated wound over left parietal region but as there was no fracture noticed, no abnormality in the CT scan was reported, injured was admitted for 1 day only in the hospital, thereafter no further complication is shown in the charge sheet, upon consideration of entire facts, 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 them 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/committal Court for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.

6. 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.
7. In addition, the applicants are directed not to communicate / contact in any manner with the injured 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 injured and the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicants directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicants shall be cancelled without further reference to the bench and the concerned trial Court may take the applicants in custody including other measures as provided under the law.
8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge