

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4146 of 2017**

1. Raviram Mahkul S/o Shri Maniram Mahkul Aged About 36 Years R/o Village- Bhakurra, Police Station Lailunga, District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh.
2. Heeralal Mahkul S/o Shri Maniram Mahkul Aged About 25 Years R/o Village Bhakurra, Police Station Lailunga, District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station, Lailunga, District Raigarh, Chhattisgarh.

---- Respondent

For applicants	Mr. Manoj Kumar Sinha, Adv.
For Respondent/State	Mr.Vasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-7-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 66/2017 registered in PS Lailunga, Distt. Raigarh (CG) for offence punishable under Section 294, 506, 323, 341, 427, 34, 307 of the Indian Penal Code, 1860 and Section 3 sub-section (1)(r), Section 3 sub-section (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in brevity 'SCST Act') which is pending before the Addl. Sessions Judge/Special Judge under SCST Act, Raigarh as Special Sessions Trial No. 26/2017. It is submitted that there are total 4 accused persons. Learned counsel is not aware of filing of any bail petition by co-accused Tejram and Ratanram. As per allegation, all the 4 accused persons wrongfully restrained the injured Bhop Singh and by hands and fists and also by club assaulted him causing two injuries- one lacerated wound with clotted blood size 3 x 1 cm over head, one abrasion with clotted blood at the forehead. The doctor

referred him for CT scan and in the CT scan report, a fracture was noticed over left temporal parietal bone. The injured was admitted in the hospital from 13th to 17th March, 2017. It is also alleged that all the accused persons caused mischiefs by causing damage to the motorcycle worth Rs. 1,000/- along with other act like threat to kill, use of obscene words. The applicants are first offender. There is no further complication surfaced after discharge with the injured. They will not commit any offence in future. Hence both the applicants may be enlarged on bail.

3. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants and submits that on 13th March at the eve of Holi festival, all the four co-accused persons restrained the injured and thereafter gave threat to kill, used obscene words and assaulted by club, hands and fists. With the said act, the injured received a fracture over left temporal parietal bone and also he was assaulted knowing that he belongs to scheduled tribe. Hence instant MCRC may be dismissed.
4. Perused the entire material.
5. As both the applicants are in custody since 3 months and 1 day, charge sheet has been filed, trial may take some time, there is no criminal antecedent of the applicants reported by the police, the injured was discharged from the hospital on 17-3-2017, thereafter no further complication is noticed in the charge sheet, upon consideration of entire facts, I am inclined to grant an 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 Special Judge under SCST Act, Raigarh 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 after hearing 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