

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4150 of 2017

1. Abhishek Singh Chandel @ Sippi Thakur S/o Suresh Singh, Aged About 28 Years (as per order sheet and charge sheet), R/o Village Kosa, Police Station Mulmula, Tahsil Pamgarh, District Janjgir- Champa, Chhattisgarh.
2. Ravindra Sahu S/o Vishwanath Sahu, Aged About 27 Years, R/o Village Kosa, Police Station Mulmula, Tahsil Pamgarh, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Police Station Ajak, District Janjgir- Champa, Chhattisgarh.

---- Non-applicant

For Applicants – Shri U.K.S.Chandel, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-07-2017

1. Heard on I.A.No.1/2017 for urgent hearing on the basis of serious ailment of mother of applicant No.2 and further complications and need for care.
2. On due consideration, I.A.No.1/2017 is hereby disposed of.
3. With the consent of the parties, heard the matter finally.
4. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.05/2017 on 24-5-2017 by P.S. Ajak, Janjgir, District Janjgir-Champa, C.G. for the offence under Section 456, 294, 323, 34 of the IPC and Section 3(1)(r)(s), Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act, 1989'). After investigation police had filed the charge sheet which is pending before the Special Judge under the Act, 1989 Janjgir as Special Sessions Trial No.14/17. The applicants are first offender. As per the allegation, they entered into the house of the complainant and assaulted and also committed the offence for which the charge sheet is filed. They will not commit any offence in future. They may be granted bail during trial as the trial may take

some time.

5. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants and would submit that looking to the entire facts surfaced, the instant MCRC may be dismissed, though fairly conceded that there is no any earlier criminal antecedent of the applicants..

6. Perused the entire material.

7. As the applicants are in custody since 2 months till date, charge sheet has been filed, trial may take some time, the applicants are first offender, looking to the entire facts and circumstances, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby 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 Special Judge under the Act, 1989 Janjgir, District Janjgir-Champa, C.G. for their appearance before the said court as and when directed till trial.

8. 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; and (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.

9. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge