

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4212 of 2017**

Mahendra Mahipal S/o Gopichand Mahipal, Aged About 18 Years R/o Village Devsara, Police Station Arjunda, District Balod CG At Present R/o Sector - 6/30/1 P, Bhilainagar, Police Station Bhilainagar, District Durg Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through District Magistrate, Durg CG

---- Respondent

For applicant	Mr. A.K. Prasad, Adv.
For Respondent/State	Mr. Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26/7/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 24-2-2017 in connection with Crime No. 89/2017 registered in PS Bhilainagar Distt. Durg (CG) for offence punishable under Section 307, 294 and 506-B of the Indian Penal Code, 1860. He submits that as per allegation, the applicant caused one stab wound to complainant Rahul Sikka. The injury was received over chest and abdomen. The doctor has mentioned the said injury as grievous. Injured was admitted in the hospital from 23-2-2017 to 4-3-2017, thereafter he was discharged and no further complication is shown in the charge sheet. As per treatment paper, the wound was not upto diaphragm hence the said injury was repaired. In the said incident, the applicant also received simple injury. He will not commit any offence in future. He is aged about 18 years. He may be granted bail.
3. Per contra learned counsel for the State opposes the argument advanced on behalf of the applicant and submits that by the grace of god, injury was not penetrating beyond the diaphragm hence life of

the injured could be saved as the necessary medical aid is provided.

He further submits that earlier also Crime No. 498/2015 under Section 294, 506-II, 323 and 34 of the IPC was registered against him.

Looking to the evidence available, instant MCRC may be dismissed.

4. Perused the entire matter.
5. As the applicant is in jail since 3 months and 1 day till date, charge sheet is filed, trial may take some time, as per facts, the injury was superficial just above the diaphragm, the injured was discharged on 4-3-2017 and thereafter no follow up or complication surfaced in the charge sheet, though earlier another matter has been registered against the applicant but on consideration of entire facts, I am inclined to grant last 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 JMFC Durg CG for his appearance before the said Court regularly as and when directed by the said Court.
6. 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Bhilainagar on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held

that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. 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 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.
8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge