

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4248 of 2017**

1. Krishna Kumar Lahre S/o Nathu Ram Lahre, Aged About 28 Years R/o Village Amasivni Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh
2. Saurabh Lahre, S/o Manbodhan Lahre, Aged About 20 Years R/o Village Amasivni Police Station Vidhansabha Raipur, District Raipur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicants	: Smt. Smitha Jha, counsel for the applicants.
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****02.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.104/2017 registered in Police Station Vidhansabha, Raipur (CG) for the offence punishable under Sections 294, 323, 327, 341, 506-B, 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been arrested on 23.5.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.4275/2017.

Learned counsel for the applicants submits that charge sheet has been filed and the matter is triable by Judicial Magistrate First Class, the applicants are young boys of 28 and 20 years, the applicants will not commit any offence in future, they may be granted one opportunity to face the trial while on bail. As per the allegation, on 17.5.2017, as complainant Gurudayal Nishad was on the way, both the applicants obstructed him, demanded money to consume alcohol. On denial, both the applicants used obscene words against him and also threatened him to kill and assaulted him by hands and fists. They will not commit any offence in future, they may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants and would submit that prior to the present incident, following matters have been registered against the applicants.

Sl. No.	Crime No.	Offence U/S	Against whom
01	197/2015	294, 506, 323, 34 of IPC	Applicant No.1.
02.	129/2016	294, 506, 323,34 of IPC	Both the applicants
03.	Complaint No.76/2016	107, 116(3) CrPC	Applicant No.1.
04.	Complaint No.26/2016	151, 107, 116(3) CrPC	Applicant No.2.

He further submits that looking to the facts surfaced, instant bail application may be dismissed.

5. Perused the entire material.

6. As the applicants are in custody for two months and nine days, charge sheet has been filed, the trial may take sometime for its conclusion, though earlier aforementioned matters have been registered against the applicants, looking to their age and other facts, I am inclined to grant one last opportunity to the applicants so that they shall remain in the society without committing any offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with two separate solvent sureties of Rs.25,000/- to the satisfaction of the Judicial Magistrate First Class, Raipur for their appearance before the said Court as and when directed.

9. 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 the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Vidhansabha, Raipur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Vidhansabha, Raipur as directed, the concerned police may inform the trial Court for the act and if their non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. In addition, the applicants are directed not to communicate/contact in any of the manner with the complainant, and witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. If so, the witnesses and the complainant 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 or any attempt for any illegal favour in the trial or otherwise, the bail granted to the applicants shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicant in custody including other measures as provided under the law.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary

to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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