

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4398 of 2017

- Somnath Sahu S/o Joidha Ram Sahu, Aged About 28 Years, R/o Village Semra, Police Station Gobra, Navapara, District Raipur Chhattisgarh
- Ghasiya Ram Sahu, S/o Adhar Ram Sahu, Aged About 78 Years, R/o Village Semra, Police Station Gobra, Navapara, District Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Gobra Navapara, District Raipur Chhattisgarh

---- Non-applicant

For Applicants – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.93/2017 on 27-04-2017 by P.S. Gobra Navapara, District Raipur, C.G. for the offence under Section 294, 506 Part II, 323, 325, 326/34 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Raipur, C.G. as Criminal Case No.4397/2017. Learned counsel for the applicants would further submit that the charges are framed. The applicants are first offender, they had no criminal antecedent. As per the allegation, at the time of erection of wall there was dispute between injured Sitaram and the present applicants and in furtherance applicant Somnath assaulted by pickax (earth digging instrument), applicant Ghasiya Ram also participated by sharing common intention. After assault during MLC and further treatment left shoulder joint of injured Sitaram was noticed as dislocated. The applicants will not commit any offence in future. Trial may take some time. The applicants may be enlarged on bail till trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants as the applicants were sharing common intention and the applicant No.1 assaulted by a dangerous weapon,

caused injury to the injured and also as the injured was admitted in the hospital from 27-04-2017 till 01-05-2017 and submitted that the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicants are in custody since 3 months and 11 days, charge sheet has been filed, trial may take some time, the applicants are first offender with no criminal antecedent, and looking to the reason and facts whereby the incident committed and also the fact that from 01-05-2017 there is no further complication developed with injured Sitaram, 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 two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for their appearance before the said Court as and when directed till trial.

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; 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.

7. In addition, the applicants are directed not to communicate/contact in any of the manner with the injured, his family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the witnesses, the injured and his family members may report the said act to the trial Judge and if the trial Judge finds that in any way the applicants gave

pressure or any attempt for any illegal favour in the trial or otherwise directly or indirectly, the bail granted to the applicants shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicants in custody including other measures as provided under the law.

8. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**

Aadil