

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4548 of 2017**

Parasuram Panwar S/o Lt. Jogiram Panwar, Aged About 46 Years R/o
Village Belgal, Police Station Bande District North Bastar Kanker, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Bande, District North
Bastar Kanker, Chhattisgarh.

---- Respondent

For applicant	Mr. Pravin Kumar Tulsiyan, Adv.
For Respondent/State	Mr. Neeraj Jain, GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 23-3-2016 in connection with Crime No. 17/2016 registered in PS Bande, Distt. North Bastar, Kanker (CG) for offence punishable under Section 452, 307, 120-B, 147, 148, 149 of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against 4 accused persons namely present applicant Parasuram Panwar, Madhukar Mandavi, Doge Ram Podadi and Arsu Ram Pawar and showing accused Ganesh Bachami as absconding and supplementary charge sheet may be filed after his arrest under Section 173 sub-section (8) of the Cr.P.C. The matter is presently pending before the Additional Sessions Judge, North Bastar, Kanker (CG) as ST No. 49/2016. This is his first bail application before this Court.

He is first offender. He is in custody since long and as per allegation he hired other co-accused persons to kill victim Santram Pawar and for this he made contract of Rs. 50,000/- and gave Rs. 10,000/- in advance to the co-accused and thereafter other accused persons assaulted the victim who received following injuries as per the doctor :-

1. One incised wound over left forearm size 5 x 2 cm x skin deep
2. One incised wound over left elbow size 3 x 2 cm x skin deep
3. One incised wound over front of neck size 4 x 2 cm
4. One incised wound over left angle of mouth size 4 x 2 cm
5. One incised wound over right clavicle region
6. One incised wound over right thumb size 2 x 1 cm
7. One incised wound over left middle finger size 3 x 2 cm

The doctor shown the injuries as simple in nature, though the victim was admitted in the hospital on 19-3-2016 till 29-3-2016, his wounds were stitched and he was treated, thereafter, no further complication to the applicant is surfaced in the charge sheet. He is not directly involved in the crime. As per allegation he made criminal conspiracy along with other co-accused. He will not commit any offence in future if granted bail. Looking to the period of detention and other facts he may be granted bail as the trial may take some time. He further submits that he has no knowledge as to whether co-accused persons have preferred any bail petition or not.

4. Per contra, learned State counsel opposes the bail application and submits that the applicant made conspiracy to kill his cousin brother Santram with the help of other co-accused and other co-

accused caused injuries to the victim as aforementioned. The victim was hospitalized for 11 days. Doctor operated him and treated and also stitched the wounds and thereafter he was discharged. Looking to the act of conspiracy made, instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is in jail since 4 months and 18 days till date, trial is going on, trial may take some time, there is no criminal antecedent of the applicant, though looking to the entire facts the applicant is the main conspirator of the crime in which cousin brother of the applicant sustained injuries as aforementioned and admitted in the hospital for 11 days and also looking to the entire facts, period of detention and considering that after discharge, no any further complication is surfaced on the victim and as submitted he will not commit any offence in future, I am inclined to grant one 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the Trial Court for his appearance before the said Court regularly as and when directed by the said Court.
7. 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 Bande, Distt. North Bastar, Kanker 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.

8. In addition, the applicant is directed not to communicate / contact in any manner with the injured, his family members 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, his family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds 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.
9. 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 respondent/State for placing it with the case diary to be

returned to the concerned police for compliance and information.

10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak