

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4553 of 2017

- Gautam Pardhi S/o Indar Pardhi, Aged About 33 Years, R/o Village Matiya, Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Smt. Smita Jha, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.43/2017 on 20-2-2017 by P.S. Vidhansabha, Raipur, District Raipur, C.G. for the offence under Section 452, 294, 506, 323, 307 of the IPC. After investigation the matter has been registered before the JMFC Raipur, C.G. as Criminal Case No.3750/17. Learned counsel for the applicant is not aware whether the matter is committed to the Court of Sessions and registered as Sessions Trial No.131/17 pending before the First Additional Sessions Judge Raipur, C.G. Learned counsel for the applicant would further submit that the injured is aunt of the applicant and on account of some dispute as the injured was making construction in front of her house, the applicant objected for the same and thereafter in the background of the fact that allegedly the injured is taking more land the incident happened. As per the allegation, the applicant assaulted her aunt Chaitibai who received one lacerated wound on forehead measuring 2.5 x ½ cm., second lacerated wound over left cheek near mouth measuring 1.5 x 1.5 cm. In X-ray examination the doctor noticed fracture on left roof and lateral part

of left orbit on frontal bone, lateral wall of left maxillary sinus. The doctor opined the injury as grievous in nature. There are facts surfaced that the injured admitted in the hospital, but in absence of any bed head ticket it is not clear that for how many days the injured admitted in the hospital. The applicant is first offender. He will not commit any offence in future and looking to the fact that despite fracture, no any material collected by the police regarding any complication with the injuries received by the injured, the applicant may be granted bail till trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the applicant for no reason assaulted her aunt by hard and blunt object on the vital part of the body and caused two fracture. With this, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 5 months and 21 days till date, charge sheet has been filed, the matter is pending for trial, the applicant is first offender, after considering the entire background of the matter and other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby 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 of Rs.25,000/- each to the satisfaction of the trial Court for his appearance before the said Court as and when directed till trial.

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; and (iv) the trial Court finds that the applicant remains 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 applicant is directed not to communicate/contact in any of the manner with injured Chaitibai, her family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the injured, her 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 gave pressure or any attempt for any illegal favour in the trial or otherwise directly or indirectly, the bail granted to the applicant 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge