

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4579 of 2017

- Prem Yadav S/o Rajeshwar Yadav Aged About 22 Years R/o Village Atapath, Police Station Jashpur, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Station House Officer, Police Chowki Manora, Police Station Jashpur, District Jashpur Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Sudeep Verma, Advocate.
For Respondent/State	: Shri Anant Bajpayee, Gov. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

12.09.2017

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 20/2017, Out Post Monara, Police Station – Jashpur, District– Jashpur, (C.G.) for offence punishable under Section 307 of Indian Penal Code.
3. Learned counsel for the applicant is arrested on 27.02.2017, charge-sheet has been filed, after investigation the police has filed charge-sheet before the concerned Chief Judicial Magistrate Jashpur, which is registered as Criminal

Case No. 190/2017, thereafter the matter has been committed to the court of Sessions Jashpur, which is pending as session trial No. 29/2017. Learned counsel for the applicant further submits that as per allegation applicant pelted stone by which the injured Surendra Yadav, received injuries size 4x3 c.m. over the scalp. After initial treatment the doctor of the District Hospital referred him for further treatment to higher center situated at Ranchi, Jharkhand, where the injured was admitted and treated. The nature of the injuries as per doctor was grievous in nature and also fatal for the life, if no treatment given within time. There is no fact in the charge-sheet as to how many days the injured was admitted in the hospital at Ranchi, during the treatment. The applicant is aged about 22 years, he will not commit any offence in future. He may be granted bail during trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant that as the applicant had intention to kill Surendra Yadav the applicant pelted stone and caused grievous injuries on his scalp which could have fatal to life if not treated within the time. Though the injured was given better treatment, in time, his life could be saved, hence the instant MCRC may be dismissed, though fairly considered that there is no criminal incident reported against the applicant.

5. As the applicant is in jail one month and thirteen days till date, charge-sheet has been filed, matter is committed to the

court of Session trial make take sometime, applicant is aged about 22 years, he is the first offender no criminal antecedent is reported and in the entire charge-sheet the police had not collected paper regarding treatment at Ranchi Jharkhand, there is no discloser of fact as to how many days the injured was admitted in the hospital from statement it appears that he was discharged after treatment and there is no any paper of the treatment given to him during admitted in the Ranchi hospital, and also there are fact that the injured had not developed any complications after discharge from the hospital. On consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

6. Consequently, instant MCRC is allowed.
7. The applicant is directed to be released on bail on furnishing a personal bond in the Sum of Rs. 50,000/- each with two solvent sureties each of Rs. 25,000/- to the satisfaction of the Trial Judge Jashpur, (C.G.) for their appearance before the said Court regularly as and when directed by the said Court.
8. 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; (iv) the trial Court finds that the applicants 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.

9. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge