

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4667 of 2017**

- Arvind Kumar Sonwani S/o Late Nirmal Kishor Sonwani, Aged About 28 Years R/o Vinoba Nagar, Dev Baloda, Bhilai 3, Tehsil Patan, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, Chhattisgarh.

---- Respondent

 For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

11.9.2017

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 applicant, who has been arrested in connection with Crime No.88/2017 registered in Police Station Bhilai-3, Distt. Durg (CG) for the offence punishable under Section 394 & 324 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 16.3.2017, after investigation, police has filed charge sheet which is presently pending before Judicial Magistrate First Class, Bhilai-3 as Criminal Case No.283/2017. As per the allegation, the applicant assaulted Vinod Chandrakar and caused him incised wound of 3x0.5x0.5 cm on left cheek, nature of injury was simple and also assaulted Prahlad Chandrakar and caused him incised wound on the left side of the abdomen and incised wound of 2cm on the left front rib and the injuries were simple in nature and

also looted Rs.7,000/- from him. From the applicant, one knife and Rs.1300/- has been recovered. The applicant is the first offender, he will not commit any offence in future, as the trial may take sometime for its conclusion, he may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant on the basis of the facts surfaced regarding loot and causing of injuries by the sharp edged weapon, though fairly considered that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for five months and twenty six days, charge sheet has been filed, the trial may take some time for its conclusion, he is first offender, as submitted he will not commit any offence in future and after consideration of the entire facts and looking to the nature of injuries and the amount looted, I am inclined to grant one last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

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

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of concerned trial Judge for his appearance before the said Court as and when directed.

9. 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 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 applicant shall mark his appearance before the Station House Officer/IO, Police Station Bhilai-3, Distt. Durg **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Bhilai-3, Distt. Durg as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. In addition, the applicant is directed not to communicate/contact in any of the manner with injured Vinod Chandrakar and Prahlad Chandrakar, their family members 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 injured 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 or any attempt for any illegal favour in the trial or otherwise, 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.

12. Additional 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