

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4742 of 2017**

- Rambabu Chauhan W/o Kunju Singh Chauhan Aged About 20 Years R/o Lalkhadan Pariyapara, Torwa, Police Station Torwa, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Praveen Kumar Tulsyan, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.8.2017**

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.26/2017 registered in Police Station Torwas, Distt. Bilaspur for the offence punishable under Sections 294, 506, 323, 147, 148, 307, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 26.01.2017. There are total five accused persons in the matter out of which after investigation, police has filed supplementary charge sheet against two juveniles Vikas and Akash Pasi before Juvenile Justice Board, Bilaspur and against remaining three accused persons including the present applicant,

the police has filed charge sheet before Special Railway Magistrate, which is registered as Criminal Case No.1263/2017 and the matter is committed to the Court of 7th Additional Sessions Judge, Bilaspur and the same has been registered as sessions trial No.49/17. He further submits that co-accused Mukesh Pasi and Rakesh Pasi have already been granted bail by this Court vide order dated 19.6.2017 in MCRC No.3477/17. Case of the present applicant is similar to those co-accused persons. As per the allegation, the victim/injured Shivam @ Amitesh Shukla was assaulted by the accused persons by club, rod, and other instruments , he was admitted in the hospital from 23.01.2017 to 26.01.2017. After his discharge no any complication has been noticed and as per MLC report, the complainant received injuries on the left side of the face. There is no report regarding nature of injury whether it was fatal for life or not. The applicant is in jail for six months and twenty two days. He further submits that the following matters have been registered against the applicant prior to the present case:

Sl. No.	Crime No.	Offence U/s.
01	194/12	379 IPC
02	139/14	294, 506, 341, 323 IPC
03	Complaint dt. 17.3.14	107, 116(3) CrPC
04	Complaint Dt. 09.4.15	107, 116(3) CrPC

He further submits that out of these cases, two matters were in relation with preventive proceedings, that too 2-3 years ago, and the said proceedings were closed after a period of six months. In other matters the applicant is not convicted as the same is still pending. The applicant is aged about 20 years, since last three years he was not involved in any other penal offence, he will not commit any offence in future. As per the allegation, on account of earlier enmity, when the victim came to the spot to intervene in a dispute between two groups, he was assaulted. As the trial may take some time for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis of the aforementioned criminal cases registered against the applicant and also the manner in which the applicant along with co-accused had assaulted the victim.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for six months and twenty two days, charge sheet has been filed, the trial may take some time for its conclusion, he is aged about 20 years and as the injured remained in hospital as indoor patient only for four days, there is nothing to demonstrate the fatality of the injuries noticed on the body of the complainant and also looking to the entire matters registered against the applicant, 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.

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.50,000/- with two separate solvent sureties of Rs. 25,000/- to the satisfaction of concerned trial Court 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE