

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4765 of 2017**

1. Samelal Jangde, S/o Kunjram Jangde Aged About 45 Years R/o Mini Basti, Jarhabhatha, Bilaspur, Tahsil & District Bilaspur Chhattisgarh.
2. Radhlal Jangde S/o Samelal Jangde Aged About 26 Years R/o Mini Basti, Jarhabhatha, Bilaspur, Tahsil & District Bilaspur Chhattisgarh.
3. Sagar @ Nanhu Jangde S/o Samelal Jangde Aged About 20 Years R/o Mini Basti, Jarhabhatha, Bilaspur, Tahsil & District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Devesh Chandra Verma, Advocate.
For Respondent/State	: Shri O. P. Sahu, Gov. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.09.2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the A-1 and A-2 arrested on 12.05.2017 and A-3 has been arrested 24.05.2017, in connection with Crime No. 352/2017 Police Station Civil Lines, District Bilaspur (C.G.) for the offence under Section 294, 323, 325, 452 / 34 of the Indian

Penal Code. After investigation police had filed charge-sheet which is presently pending before Judicial Magistrate First Class Bilaspur, C.G. As Criminal Case No. 2087/2017. There is one more Juvenile against whom supplementary charge-sheet filed before Juvenile Justice Board, Bilaspur, C.G.

3. Learned counsel for the applicants submits that all the applicants are the neighbour of the complaint and injured Sanjay Kumar, Salik Ram, Sanjay and Radhey Bai. The applicants are the first offender, they will not commit any offence in future, charge-sheet has been filed, trial may take some time. As per allegation on account of some dispute all the applicants and the accused tress-passed in the house of injured and assaulted through club and wooden stick. In the said incident Radhey Bai sustained one fracture over her left hand and other injured Sanjay Kumar, Salik Ram and Sanjay sustained simple injuries. They will not commit any offence in future, trial may take sometime for its conclusion, They may be enlarged on bail till trial.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants, on the basis of the facts surfaced, as the applicants entered into house of the injured and assaulted. The instant MCRC may be dismissed. However he fairly conceded that there is no criminal antecedent of the applicants.

5. Perused the entire matter.

6. As the applicants are in custody since more than 4

months, they are the first offender, charge sheet has been filed, trial may take some time, on consideration of the nature of the injuries and others facts, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence in future and shall remain peacefully in the society.

7. Consequently, the instant MCRC is hereby allowed.
8. It is directed that the applicants shall be released on bail on each of their furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like some amount for each applicant to the satisfaction of Trial Judge for their appearance before the said Court as and when directed by the till trial.
9. 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 remain 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.
10. In addition, the applicants are directed not to communicate/contact in any of the manner with the injured

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 applicants directly or indirectly gave pressure or made any attempt for any illegal favour in the trial or otherwise, the bail granted to the applicants shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicants in custody including other measures as provided under the law.

11. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge