

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4796 of 2017

- Murari Lal Pathak @ Golu S/o Shri Virendra Pathak, Aged About 22 Years, R/o Heerapur, Ganpat Chowk, House of Raju Chakradhari, Raipur, Police Station Kabir Nagar, Raipur, Tahsil Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ganj, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri C.R.Sahu, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.288/2016 on 09-10-2016 by P.S. Ganj, District Raipur, C.G. for the offence under Section 294, 506 Part II, 324, 327, 341/34 of the IPC and Section 25, 27 of the Arms Act, 1959. After investigation police had filed the charge sheet against the present applicant and co-accused Rajkumar Yadav, which is presently pending before the CJM Raipur, C.G. as Criminal Case No.20369/2016. The co-accused has not preferred any bail petition. Learned counsel for the applicant would further submit that there is no any memorandum of the present applicant; nothing has been seized from the applicant and as per the allegation, he assaulted injured Kalu by hands and fists and the other co-accused inflicted one incised wound to the injured on right thigh measuring 4 x 2 cm. and both the accused demanded money from the deaf and dumb beggar to purchase liquor. The applicant is in custody since long. The applicant is the first offender and he will not commit any offence in future. He 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 submitted that the applicant

and the co-accused voluntarily caused hurt to extort money from the deaf and dumb beggar at the point of time of counting the money received by begging for his hard livelihood. Though, it is submitted on behalf of the non-applicant/State that the applicant had no criminal antecedent.

4. Perused the entire material.

5. As the applicant is in custody since 10 months and 12 days till date, charge sheet has been filed, though the act of the applicant seems to be serious as he along with other co-accused assaulted the helpless beggar for the sake of money to purchase liquor, but as the applicant had no criminal antecedent and he had not assaulted by sharp edged weapon to the injured, his matter is distinguishable, 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 Chief Judicial Magistrate Raipur, C.G. 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge