

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4962 of 2017**

1. Narayan S/o Sitaram Patre, Aged About 35 Years
 2. Fagguram S/o Sitaram Patre, Aged About 38 Years
 3. Mohitram S/o Sitaram Patre, Aged About 37 Years
 4. Rohit S/o Sitaram Patre, Aged About 40 Years
 all R/o Oda Dabri, Police Station Kunda, Tahsil Pandariya, District Kabirdham,
 CG

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Police Station
 Kunda, District Kabirdham, Chhattisgarh

---- Respondent

For applicants	Mr. Ajit Singh, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

24-8-2017

1. Heard finally.
2. The applicants have preferred this application for grant of bail as applicants No. 1 and 4 are arrested on 23-5-2017 and applicants No. 2 and 3 are arrested on 13-6-2017 in connection with Crime No. 91/2017 registered in PS Kunda, Distt. Kabirdham (CG) for offence punishable under Section 506, 337, 323, 147, 148, 452, 307 read with Section 34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicants submits that after investigation charge sheet is filed which is presently committed to the court of Sessions and pending as ST No. 37/2017 before the Additional Sessions Judge (FTC), Distt. Kabirdham. The applicants No. 1 and 4 are in custody since 3 months, and applicants No. 2 and 3 are in custody since 2 months and 11 days, charge sheet has been filed, three co-accused persons have been granted bail by the trial Court, the applicants are first offender, they will not commit any offence in future and as per allegation, on account of some dispute regarding construction over the government land situated between the lands of

the applicants and the complainant, when the complainant resisted for raising construction, the applicants assaulted the complainant and others by piece of bricks and club after forming unlawful assembly. In the said incident, Vishnu, Purushottam, Ramanuj, Kashiram, Krishna, Roopchan, Kumari Puja and Priyanka received simple injuries. In the MLC the doctor did not opine any injury as grievous in nature, no injury was opined as fatal to life and injured Purushottam, Ramanuj and Vishnu were admitted in the hospital on 15-5-2017 and discharged on 16-5-2017 thereafter there is no complication surfaced regarding injuries to any one. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take some time.

4. Per contra, learned State counsel opposed the bail application on the basis of the facts surfaced in the charge sheet, however fairly concedes that no criminal antecedents is reported in the case diary against the applicants.
5. Perused the material available.
6. On due consideration, as the applicants No. 1 and 4 are in custody since 3 months, applicants No. 2 and 3 are in custody since 2 months and 11 days, other 3 co-accused have been granted bail by the trial court as submitted, no grievous injury was received by any of the injured, as aforementioned only 3 injured were admitted in the hospital for only one day, thereafter no complication is surfaced regarding their injuries, there is no report that injuries were fatal to life, and considering entire facts, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 30,000/- with one solvent surety of the like sum to the satisfaction of the trial Court for their appearance before

the said trial Court till disposal of the trial regularly as and when directed by the said Court.

7. 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.
8. In addition, the applicants are directed not to communicate / contact in any manner with the complainant, injured and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the complainant, injured, and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicants directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicants shall be cancelled without further reference to the bench and the concerned trial Court may take the applicants in custody including other measures as provided under the law.
9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)

