

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5006 of 2017**

1. Sukhlal Nureti S/o Pandaru Aged About 30 Years R/o Village Hatlanar Chhotulpara, District- Narayanpur, Chhattisgarh
2. Fagadu Nureti, S/o. Pandaru Aged about 25 years, R/o. Village Hatlanar, Chhotulpara, Distt. Narayanpur (CG)

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Kurupnagar, District- Narayanpur, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.8.2017**

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 applicants, who have been arrested in connection with Crime No.06/2016 registered in Police Station Kurushnar, Civil District Kondagaon (CG) for the offence punishable under Sections 450 & 307, 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been arrested on 23.9.2016, after investigation, police has filed charge sheet which is presently pending before Sessions Judge, Kondagaon as Session Trial No.92/2016. As per the allegation, the applicants have assaulted Somaru Norette and

caused him one simple injury i.e. incised wound of 2 x 1x 1/2 cm at the left side of the neck by the knife. The doctor has not opined nature of injury either as grievous or fatal for life. The injured was admitted in the hospital for two days only i.e. 7.9.2016 to 09.9.2016 and thereafter no any complication has been reported. The applicants are the first offenders, they will not commit any offence in future, 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 applicants and would submit that both the applicants, sharing common intention, assaulted the unarmed complainant with knife and caused aforementioned injury. Hence, instant bail application filed on behalf of the applicants may be dismissed.

5. Perused the entire material.

6. The applicants are in custody for eleven months and five days, trial is pending, the injured was hospitalized only for two days, on account of dispute of land, the instant incident happened, on consideration of the entire facts, I am inclined to grant one opportunity to the applicants so that they 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 applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with

one solvent surety of like sum amount to the satisfaction of Sessions Judge, Kondagaon for their appearance before the said Court as and when directed.

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; and (iv) the trial Court finds that the applicants remain 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