

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5079 of 2017**

- Yogendra Kumar (Wrongly Mentioned As Yogesh Kumar In The Order Sheet), S/o Chaitram Mahar, aged about 24 years, R/o Village – Kekatitola, Police Station / Tahsil- Ambagarh Chowki, Distt. Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through-Station House Officer, Police Station-Ambagarh Chowki, Tahsil & Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate.
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.08.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 18/05/2017, in connection with Crime No. 92/2017, registered in Police Station Ambagarh Chowki, Distt. Rajnandgaon (C.G.) for offence punishable under Section 326 of the Indian Penal Code (IPC).

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Judicial Magistrate First Class Raipur, Ambagarh Chowki Distt. Rajnandgaon (C.G.) as Criminal Case No. 381/2017. Learned counsel for the applicant would further submit that the applicant is

the first offender and no criminal antecedent has been reported against him. As per the allegation, on account of some family dispute applicant poured Kerosene and also set a blazed his wife, thereafter she herself attempted to save her, though in the process she received burn injuries at her hand, thigh and waist then she was taken for treatment, admitted in the hospital from 13/04/2017 to 17/04/2017. As per Doctor's report burn injuries were 15 per cent and as per the opinion of the Doctor the injuries were fatal to life if not treated immediately, and the injuries were grievous in nature. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would submit that the injury received was grievous in nature, fatal to life and co-incidentally she could save herself otherwise percentage of injuries would have gone higher. Hence looking to the facts in the present matter the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody for 3 month 20 days till date, charge-sheet has been filed, trial may take some time, though the facts surfaced is of serious nature but looking to the entire facts including percentage of burn injuries and fact that after 17/04/2017, it was never reported that the injured ever re-admitted in the hospital or any further complication arises with the wounds, after consideration of the entire facts, I am inclined to grant an opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society without

committing any crime.

7. Consequently, instant MCRC is allowed.

8. 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 each of Rs.25,000/- to the satisfaction of the JMFC Ambagarh Chowki, Distt. Rajnandgaon (C.G.), for his appearance before the said Court regularly as and when directed by the said Court.

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 does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants 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.

10. In addition, the applicant is directed not to communicate/contact in any manner with his wife, of her side family members 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 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 applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the bail granted to the applicant shall

be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

11. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge