

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5204 of 2017**

1. Rajendra S/o Nandlal, Aged About 22 Years
 2. Aadesh Kumar Kanaujiya S/o Nandlal, Aged About 24 Years
- both R/o Village Karamdiha, Police Station Basantpur, District Balrampur
Ramanujganj, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Basantpur, District
Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For applicants	Mr. A.K.Yadav, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****1-9-2017**

1. The applicants have preferred this application for grant of bail as they are arrested on 1-7-2017 in connection with Crime No. 66/2017 registered in PS Basantpur, Civil Distt. Sarguja (CG) for offence punishable under Section 294, 323, 506, 34 of the Indian Penal Code, 1860, Section 4 and 5 of the CG Tonhi Pratadana Niwaran Adhiniyam, 2005.
2. Learned counsel for the applicants submit that after investigation charge sheet has been filed and the same is pending before the JMFC Wadraf Nagar, Distt. Sarguja however he is not aware of the criminal case number. This is their first bail application before this Court. They are first offenders. On account of some suspicion and mis-conception, the incident happened. The applicants are aged 22 and 24 years respectively. They will not commit any offence in future if granted bail. They may be

granted bail as the trial may take time.

3. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants and submits that the present applicants and absconded applicant Smt. Champadevi @ Champakali assaulted the complainant as she made sorcery and with this, 1 family member became unwell, thereafter both the applicants caused injury though simple and also alleged the complainant is a Tonhi and busy with work of sorcery. As per facts surfaced, Champa Devi is the main accused. Hence instant MCRC may be dismissed.
4. Perused the matter.
5. As the applicants are aged 22 and 24 years, they are in jail since 2 months and 1 day till date, charge sheet has been filed, both are first offenders, trial may take some time, and as submitted they will not commit any crime in future and considering entire facts of the case, 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 their furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Wadrafnagar, Civil District Sarguja for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
6. 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.

7. CC as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**

Pathak