

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5433 of 2017**

- Kalyan Yadav S/o Shri Mangal Yadav, Aged About 44 Years R/o Village Lalpur Kla Police Station Lormi District- Mungeli, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station Lalpur, District Mungelil, Chhattisgarh.

**---- Non-applicant**


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For Applicant : Shri Dheerendra Pandey, Advocate.  
 For Respondent/State : Shri O. P. Sahu, Gov. Advocate.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****25.09.2017**

1. Perused the note of the office dated 28.09.2017. As per said note, no any other co-accused has preferred any petition to enlarged him on bail.
2. Heard the matter finally.
3. Learned counsel for the applicant would submit that he is arrested in connection with Crime No. 226/2017 on 25.07.2017 by Police Station Lal Pur, District Mungeli (C.G.) for the offence under Section 147, 294, 342, 506 of the Indian Penal Code and Section 3 (i) (m), Section 3 (i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 (for short 'the Atrocities Act').

4. Learned counsel for the applicants submits that after investigation police had filed charge-sheet, against total 8 accused persons. The applicant is the first offender, will not commit any offence in future. As per allegation applicant and other co-accused formed unlawful assembly and obstructed the proceedings of Villages Panchayat used obscene word tened to kill and also used words in relation to cost of the victim within the public view to insult them intentionally he will not commit any offence in future, trial may take sometime for its conclusion, he may be enlarged on bail.
5. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would submit that as the applicant formed of unlawful assembly, obstructed the proceeding of the Village Panchayat along with other accused persons and other act, as aforementioned, the instant MCRC may be dismissed, though fairly conceded that there is no criminal antecedent of the applicant.
6. Perused the entire matter.
7. As the applicant is in custody since 2 months, charge sheet has been filed, he is the first offender, trial may take some time, on consideration of the entire fact, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future. In addition, the applicants is directed not to communicate/contact in any of the manner with

the injured their family members and witnesses cited in the charge-sheet or attempt to ask for any favour in the directly or indirectly. If so, the witnesses and the injured may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any 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 shall take the applicant in custody including other measures as provided under the law. and shall remain peacefully in the society.

8. Consequently, the instant MCRC is hereby allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like some amount to the satisfaction of the Special Judge under Atrocities Act, Mungeli, C.G., in connection with Special Criminal Case Atrocities Act, No. 14/2017 for his appearance before the said Court as and when directed till trial.
10. 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 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 do not cooperate in the trial; (iii) the applicant is found to be involved

in any offence of the like in addition, the applicant is directed not to communicate/contact in any of the manner with the injured their family members and witnesses cited in the charge-sheet or attempt to ask for any favour in the directly or indirectly. If so, the witnesses and the injured may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any 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 shall take the applicant in custody including other measures as provided under the law. (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.

11. In addition, the applicant is directed not to communicate/contact in any of the manner with the injured their family members and witnesses cited in the charge-sheet or attempt to ask for any favour in the directly or indirectly. If so, the witnesses and the injured may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any 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 shall take the applicant in custody including other measures as

provided under the law.

12. Certified Copy as per rules.

Sd/-

**(Chandra Bhushan Bajpai)**

**Judge**

Pawan