

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5209 of 2017**

Rajkumar Alias Bholu S/o Pawan Kumar Agrawal Aged About 25 Years
R/o Ward No. 07, Hatri Chowk, Sakti, Police Station Sakti, District-
Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: District Magistrate, Police Station
Sakti, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For applicant	Mr. Sudeep Agrawal, Adv.
For Respondent/State	Mr. UKS Chandel, Adv.

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

1. Heard on I.A. No. 1/2017 for taking addition document on record.
2. On due consideration, I.A. No. 1/2017 is hereby allowed.
Documents annexed with the I.A. No. 1/2017 are taken on record if otherwise admissible.
3. Heard the matter finally.
4. The applicant has preferred this application for grant of bail as he is arrested on 24-7-2017 in connection with Crime No. 195/2017 registered in PS Sakti, Distt. Janjgir Champa (CG) for offence punishable under Section 327 of the Indian Penal Code, 1860.
5. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC Sakti, Distt. Janjgir Champa (CG) as Cr. Case No. 425/2017. This is his first bail application before this Court. He is aged about 25 years. As per allegation, he forcibly demanded Rs. 100/- from the complainant Navin Pradhan to have a drink.

When the complainant denied, the applicant assaulted him through a kitchen knife and caused one incised injury at the wrist, an abrasion over the neck. Doctor has not opined both the injuries either grievous or fatal to life. There is no query from the doctor regarding nature of injury. The injured was not admitted as indoor patient even for a single day. As per facts surfaced in the order sheet dated 30-8-2017, item No. 5, 6 and 7 are in relation to preventive proceedings. They are automatically closed after expiry of period of six months. In other matters Crime No. 114/2015, police filed charge sheet before the JMFC Sakti which was registered as Criminal Case No. 408/2015. In the said matter, the Court allowed to compound the matter and with this, acquitted the applicant for the charges. In Crime No. 161/2016, the applicant was granted bail by the JMFC Sakti vide order dated 17-6-2016. In Crime No. 244/2016, the applicant was granted bail by the Additional Sessions Judge, Sakti in the matter registered as Criminal Case No. 676/2016. In Crime No. 118/2017, the 1st Additional Sessions Judge Sakti granted bail in Bail petition No. 128/2017 vide order dated 8-8-2017. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

6. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of the aforementioned crimes registered against the applicant which goes to show the criminal antecedent of the applicant. Hence instant MCRC may be dismissed.

7. Perused the matter.

8. As the applicant is the first offender, he is in jail since 1 month and 7 days till date, charge sheet has been filed, trial may take some time, though earlier against the applicant 4 matters under the penal provisions have been registered and 3 matters under the preventive proceedings have been initiated, but the applicant has been granted bail by the concerned Court and not yet convicted by any criminal court, on consideration of entire facts, I am inclined to grant last opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties of Rs. 5,000/- each to the satisfaction of the JMFC, Sakti, Distt. Janjgir Champa CG 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 applicant 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 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 applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Sakti, Distt. Janjgir Champa (CG) on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial

Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

11. CC as per rules.

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